

April 23, 2007

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

Dear Mr. Passetti:

We have reviewed the final revisions to Florida's Control of Radiation Hazard Regulations, Chapter 64E-5, Florida Administrative Code (FAC), as received by our office on February 21, 2007. These regulations were reviewed by comparison to the equivalent Nuclear Regulatory Commission (NRC) rules in 10 CFR Parts 20, 30, 31, 32, 34, 36, 39, 40, 70, and 71 and the requirements of the ten amendments identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with Michael Stephens on April 19, 2007.

As noted in All Agreement States letter STP-05-072, dated September 28, 2005, NRC staff will continue to hold in abeyance any determination on those rules and compatibility of 10 CFR 31.5 and 31.6, if the Agreement State has the essential elements of the NRC's rule and is more restrictive than the NRC's rule.

As a result of our review against the GL Device Rule Compatibility Category B designation, we have 14 comments as listed in the enclosure. Comments 11, 16, and 17 indicate that the State's regulations are more restrictive than the NRC's regulations, and there is no corrective action required for these comments at this time. However, Comments 9, 10, 12, 13, 14, 15, 18, 19, 20, 21, and 22 indicate that the State's regulations are less restrictive than the NRC's regulations, and they need to be addressed in the State's future rule making process.

As a result of the remainder of our review, we have 39 comments that have been identified in the enclosure. Please note that we have limited our review to regulations required for compatibility and/or health and safety. We have determined that if these regulations are revised, incorporating our comments and without other significant change, they would meet the compatibility and health and safety categories established in the Office of Federal and State Materials and Environmental Management Programs (FSME) Procedure SA-200

We request that when you revise your regulations to address our comments, a copy of the "as published" regulations be provided to us for review. As requested in FSME Procedure SA-201, "Review of State Regulatory Requirements," please highlight the location of any changes made by Florida, in response to our comments, and provide a copy to Division of Materials Safety and State Agreements, Office of Federal and State Materials and Environmental Management Programs (FSME) (see letter FSME 06-94 dated October 6, 2006 for further information).

The SRS Data Sheet summarizes our knowledge of the status of other Florida regulations, as indicated. Please let us know if you note any inaccuracies, or have any comments on the

information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet, is posted on the FSME website: <http://www.hsrp.ornl.gov/nrc/rulemaking.htm>.

If you have any questions regarding the review results, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact Kathleen Schneider State Regulation Review Coordinator at 301-415-2320 (email: kxs@nrc.gov) or Kim Karcagi at 301-415-6701 ([email:kxk2@nrc.gov](mailto:kxk2@nrc.gov)).

Sincerely,

\RA By S.W. Moore

Scott W. Moore, Deputy Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials and
Environmental Management Programs

Enclosures:
As stated

information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet, is posted on the FSME website: <http://www.hsrdo.ornl.gov/nrc/rulemaking.htm>.

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Sincerely,

IRA By S.W. Moore

Scott W. Moore, Deputy Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials and
Environmental Management Programs

Enclosures:
As stated

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COMPATIBILITY COMMENTS ON *FLORIDA* FINAL REGULATIONS

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	64E-5.101(122)	34.3	1997-5	B	<p>Definitions</p> <p>Florida's definition of Radiographic exposure is not essentially identical to the NRC's definition. Florida omits the phrase "fastened or contained therein, in which the sealed source or shielding thereof may be moved, or otherwise changes from a shielded position to an unshielded position."</p> <p>Florida needs to add the above phrase to its definition of Radiographic exposure to meet the Compatibility Category B designation assigned to 10 CFR 34.3 definition of Radiographic exposure.</p>
2	64E-5.101(133)	34.3	1997-5	A	<p>Definitions</p> <p>Florida's definition differs from NRC's definition for "sealed source." Florida's definition includes "<i>or matrix</i>" after the word capsule.</p> <p>Florida needs to remove the words "or matrix" from the definition for sealed source to meet the Compatibility Category A designation assigned to 10 CFR 34.3 Definition Sealed source.</p>
3	64E-5.101(154)	34.3	1997-5	B	<p>Definitions</p> <p>Florida's definition is more restrictive than NRC's definition for "temporary jobsite." Florida's definition specifies that the site supports a "single job lasting for less than 2 years." NRC's definition does not quantify a time frame.</p> <p>Florida needs to remove the requirement for less than 2 years to meet the Compatibility Category B designation assigned to 10 CFR 34.3 Definition Temporary jobsite.</p>
4	64E-5.430	34.31	1997-5	C	<p>Inspection and maintenance of radiographic exposure devices, transport and storage containers, associated equipment, source changers, and survey instruments</p> <p>Florida omits the requirement for "written procedures" as stated in 34.31(b).</p> <p>Florida needs to add this requirement in order to meet the Compatibility Category B designation assigned to 10 CFR 34.31.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
5	64E-5.440(2)(b) and (d)	34.79	1997-5	C	<p>Records of training and certification</p> <p>Florida's reference to the provision that requires radiographer certification documents is incorrect. The reference lists 64E-5.434(2)(e)-(f). The correct reference should be 64E-5.434(2)(d).</p> <p>Florida needs to make change this reference in order to meet the Compatibility Category C designation assigned to 10 CFR 34.79.</p>
6	64E-5.441 & Section II Subpart D	34.101	1997-5	C	<p>Notifications</p> <p>NRC's 10 CFR 34.101 states, "Any licensee conducting radiographic operations or storing radioactive material at any location not listed on the license for a period in excess of 180 days in a calendar year, shall notify the appropriate NRC regional office listed in Sec. 30.6(a)(2) of this chapter prior to exceeding the 180 days." Florida's regulations state in excess of 365 days make their regulation less restrictive.</p> <p>Florida needs to change its Reciprocity rule to match the NRC's time limit of 180 days to meet the Compatibility Category C designation assigned to section 10 CFR 34.101.</p>
7	64E-5.319	20.1703	1999-3	H&S	<p>Use of individual respiratory protection equipment</p> <p>In Florida regulation 64E05.319, Florida takes the second half of the phrase "cubic meter of air or less" from 64E-5.319(g)(2) and attaches it to 64E-5.319(g)(1).</p> <p>Florida needs to delete the phrase "cubic meter of air or less" from 64 E5-319(g)(1) and add the phrase to (g)(2) to meet the Compatibility Category H&S designation assigned to 10 CFR 20.1703.</p>
8	64E-5.11072	39.53	2000-1	C	<p>Energy compensation source</p> <p>Florida lists 64E-5.1107 as its equivalent to 10 CFR 39.57, when it should list 64E-5.1105 instead.</p> <p>Florida needs to have the equivalent reference to 10 CFR 39.55 (64E-5.1105) and delete its incorrect reference (64E-5.1107) to meet the Compatibility Category C designation assigned to section 10 CFR 39.53.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
9	64E-5.206(4) (b)1 and (b)2	31.5(b)	2001-1	B	<p>Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere</p> <p>Florida omitted "or initially transferred" in 64E-5.206(4) (b)1.</p> <p>Florida needs to add the phrase "or initially transferred" to 64E-5.206(4)(b)(1) to meet the Compatibility Category B designation assigned to 10 CFR 31.5(b).</p>
10	64E-5.206(4) (c)(4)	31.5(c)(4)	2001-1	B	<p>Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere</p> <p>64E-5.206(4)(c)(4) only requires 1 year record keeping for leak testing and 2 years for other testing/servicing. 31.5(c)(4) requires 3 years for all testing/servicing.</p> <p>Florida needs to have the equivalent record keeping requirements in 64E-5.206(4)(c)(4) to meet the Compatibility Category B designation assigned to section 10 CFR 31.5(c)(4).</p>
11	64E-5.206(4) (c)(5)	31.5(c)(5)	2001-1	B	<p>Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere</p> <p>64E-5.206(4)(c)(5) does not indicate the amount of removable contamination (0.005 microcurie) as stated under 31.5(c)(5) ("...in the case of detection of 0.005 microcurie or more removable radioactive material or failure of ..."). Having no value listed makes Florida's regulation more restrictive.</p> <p>Florida needs to add the amount of removable contamination to 64E-5.206(4)(c)(5) to meet the Compatibility Category B designation of 10 CFR 31.5(c)(5).</p> <p>As noted in the September 28, 2005 All Agreement States Letter STP-05-072, the determination on this provision will be held in abeyance until such time that the NRC completes its review and response to the Organization of Agreement State on compatibility changes for the GL rule.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
12	N/A	31.5(c)(7)	2001-1	B	<p>Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere</p> <p>Florida regulations omit a section equivalent to 10 CFR 31.5(c)(7).</p> <p>Although Florida does not have the authority to authorize export of any radioactive materials as per the Agreement between the state and the NRC, Florida still needs to add this section to the regulations to meet the Compatibility Category B designation assigned to section 31.5(c)(7).</p>
13	64E-5.206(4)(c)(7), (8), and (10)	31.5(c)(8)	2001-1	B	<p>Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere</p> <p>Florida omitted reference to 31.5(c)(7) in 64E-5.206(4)(c)(7).</p> <p>Florida needs to add the reference to 31.5(c)(7) in 64E-5.206(4)(c)(7) to meet the Compatibility Category B designation assigned to section 31.5(c)(8).</p>
14	64E-5.206(4)(c)(7) and (8)	31.5(c)(9)(i)	2001-1	B	<p>Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere</p> <p>The content of Florida regulations cited under 64E-5.206(4)(c)(8), specifically 64E-5.328 and 64E-5.329 do not match the regulations cited under 31.5(c)(9), specifically 20.2201 and 20.2202. 20.2201 and 20.2202, are equivalent with Florida regulations 64E-5.343 and 5.344.</p> <p>Florida needs to reference the correct regulations to match the regulations cited under 31.5(c)(9) to meet the Compatibility Category B designation assigned to section 31.5(c)(9)(i).</p>
15	N/A	31.5(c)(11)	2001-1	B	<p>Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere</p> <p>Florida omitted this section.</p> <p>Florida needs to incorporate this section into its regulations to meet the Compatibility Category B designation assigned to section 31.5(c)(11).</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
16	64E-5.206(4) (c)(12)	31.5(c)(13)	2001-1	B	<p>Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere</p> <p>64E-5.206(4)(c)(12)(a) indicates that all devices need to be registered, except tritium exit signs. Under 31.5(c)(13)(i), only those devices containing certain isotopes above a certain threshold activity level need to be registered. By not listing the specific isotopes and their threshold activities Florida's regulation is more restrictive.</p> <p>Florida needs to add the isotopes and their threshold activities indicated in 31.5(c)(13)(i) to meet the Compatibility Category B designation assigned to section 31.5(c)(13).</p> <p>As noted in the September 28, 2005 All Agreement States Letter STP-05-072, the determination on this provision will be held in abeyance until such time that the NRC completes its review and response to the Organization of Agreement State on compatibility changes for the GL rule.</p>
17	64E-5.206(4) (c)(13)	31.5(c)(14)	2001-1	B	<p>Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere</p> <p>64E-5.206(4)(c)(13), 2nd line, has "or" instead of "of" between the words "location" and "use". Using "or" changes the meaning of the statement and makes Florida's regulation more restrictive.</p> <p>Florida needs to change "or" to "of" to meet the Compatibility Category B designation assigned to section 31.5(c)(14).</p> <p>As noted in the September 28, 2005 All Agreement States Letter STP-05-072, the determination on this provision will be held in abeyance until such time that the NRC completes its review and response to the Organization of Agreement State on compatibility changes for the GL rule.</p>
18	64E-5.206(4) (c)(14)	31.5(c)(15)	2001-1	B	<p>Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere</p> <p>64E-5.206(4)(c)(14) does not include the requirement for leak testing before transfer to another person, and does not specify the requirement for leak and shutter testing before use.</p> <p>Florida needs to include these requirements in 64E-5.206(4)(c)(14) to meet the Compatibility Category B designation assigned to section 31.5(c)(15).</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
19	64E-5.210(4) (d)	32.51a(a)	2001-1	B	<p>Same: Conditions of licenses.</p> <p>Statement under 64E-5.210(4)(d)(2) does not contain equivalent regulation references for 20.2201 and 20.2202.</p> <p>Florida needs to remove the incorrect references and include the correct references to 20.2201 and 20.2202 which are 64E-5.343 and 5.344, to meet the Compatibility Category B designation assigned to section 32.51a(a).</p>
20	64E-5.210(4) (e)	32.51a(b)	2001-1	B	<p>Same: Conditions of licenses.</p> <p>Statement under 64E-5.210(4)(e)(1) does not contain equivalents for 20.2201 and 20.2202.</p> <p>Florida needs to add the references to 64E-5.343 and 5.344, which are the equivalents to 20.2201 and 20.2202, to meet the Compatibility Category B designation assigned to section 32.51a(b).</p>
21	64E-5.210(4) (i)	32.52(a)	2001-1	B	<p>Same: material transfer reports and records</p> <p>Florida omits a section equivalent to 10 CFR 32.52(a)(5) from 64E-5.210(4)(i).</p> <p>Florida needs to add this section to 64E-5.210(4)(i) to meet the Compatibility Category B designation assigned to section 32.52(a).</p>
22	64E-5.210(4) (j)	32.52(b)	2001-1	B	<p>Same: material transfer reports and records</p> <p>Where "Agreement State" is mentioned, "NRC" needs to be mentioned as well for devices transferred to states under NRC jurisdiction.</p> <p>Florida needs to add a reference to "NRC" in 64E-5.210(4)(j) to meet the Compatibility Category B designation assigned to section 32.52(b).</p>
23	N/A	71.0(c)	2004-1	[B]	<p>Purpose and scope</p> <p>Florida omits this provision from its regulations.</p> <p>Florida needs to add this section to its regulations in order to meet the Compatibility Category [B] designation assigned to 10 CFR 71.0 (c).</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
24	N/A	71.4	2004-1	[B]	<p>Definitions</p> <p>Florida omits this definition from its regulations.</p> <p>Florida needs to add the definition for Certificate holder to its regulations in order to meet the Compatibility Category [B] designation assigned to 10 CFR 71.4 definition of Certificate holder.</p>
25	N/A	71.4	2004-1	[B]	<p>Definitions</p> <p>Florida omits this definition from its regulations.</p> <p>Florida needs to add the definition for Certificate of Compliance to its regulations in order to meet the Compatibility Category [B] designation assigned to 10 CFR 71.4 definition of Certificate of Compliance.</p>
26	64E-5.101(79)	71.4	2004-1	[B]	<p>Definitions</p> <p>Florida's definition of LSA omits classifying LSA material into one of three groups and is not essentially identical to the definition of LSA listed in 10 CFR 71.4.</p> <p>Florida needs to either change its definition of LSA to make it essentially identical to the NRC's definition of LSA or Florida needs to remove this definition and adopt the definition by reference to 49 CFR 173 in 64E5.1502 (2)(a) to meet the Compatibility Category [B] designation to 10 CFR 71.4 definition of LSA.</p>
27	64E-5.101(100)	71.4	2004-1	[B]	<p>Definitions</p> <p>Florida's definition of Package omits classifying the different types of package and is not essentially identical to the definition of package listed in 10 CFR 71.4.</p> <p>Florida needs to either change its definition of Package to make it essentially identical to the NRC's definition of Package or Florida needs to remove this definition and adopt the definition by reference to 49 CFR 173 in 64E 5.1502(2)(a) to meet the Compatibility Category [B] designation to 10 CFR 71.4 definition of Package.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
28	64E-5.1502(2)(a)	71.5	2004-1	[B]	<p>Transportation of Licensed Material</p> <p>Florida does not reference the correct sections of the 49 CFR. Specifically Florida omits referencing 49 CFR 107, 174-176, and 178-180.</p> <p>Florida needs to reference the correct sections of 49 CFR in 64E-5.1502(2)(a) to meet the Compatibility Category [B] designation assigned to section 10 CFR 71.5.</p>
29	64E-5.1503	71.13	2004-1	[B]	<p>Exemption of physicians</p> <p>Florida omits the provisions of this requirement from its section 64E 5.1503 Exemptions.</p> <p>Florida needs to add the requirements of this section to 64E 5.1503 to meet the Compatibility Category [B] designation assigned to 10 CFR 71.13.</p>
30	64E-5.1503	71.14(a)	2004-1	[B]	<p>Exemption of low-level materials</p> <p>Florida omits the provisions of this requirement from its section 64E 5.1503 Exemptions.</p> <p>Florida needs to add the requirements of this section to 64E 5.1503 to meet the Compatibility Category [B] designation assigned to 10 CFR 71.14.</p>
31	64E-5.1504	71.17	2004-1	[B]	<p>General license NRC approved package</p> <p>Florida omits the provisions of this requirement from its section 64E 5.1504 General License for Carriers.</p> <p>Florida needs to add the requirements of this section to 64E 5.1504 to meet the Compatibility Category [B] designation assigned to 10 CFR 71.17.</p>
32	64E-5.1504	71.20	2004-1	[B]	<p>General license DOT Specification container</p> <p>Florida omits the provisions of this requirement from its section 64E 5.1504 General License for Carriers.</p> <p>Florida needs to add the requirements of this section to 64E 5.1504 to meet the Compatibility Category [B] designation assigned to 10 CFR 71.20.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
33	64E-5.1504	71.21	2004-1	[B]	<p>General license use of foreign approved packages</p> <p>Florida omits the provisions of this requirement from its section 64E 5.1504 General License for Carriers.</p> <p>Florida needs to add the requirements of this section to 64E 5.1504 to meet the Compatibility Category [B] designation assigned to 10 CFR 71.21.</p>
34	64E-5.1504	71.22	2004-1	[B]	<p>General license fissile material</p> <p>Florida omits the provisions of this requirement from its section 64E 5.1504 General License for Carriers.</p> <p>Florida needs to add the requirements of this section to 64E 5.1504 to meet the Compatibility Category [B] designation assigned to 10 CFR 71.22.</p>
35	64E-5.1504	71.23	2004-1	[B]	<p>General license plutonium beryllium special form material</p> <p>Florida omits the provisions of this requirement from its section 64E 5.1504 General License for Carriers.</p> <p>Florida needs to add the requirements of this section to 64E 5.1504 to meet the Compatibility Category [B] designation assigned to 10 CFR 71.23.</p>
36	N/A	71.83	2004-1	[B]	<p>Assumptions as to unknown properties</p> <p>Florida omits this section from their regulations.</p> <p>Florida needs to add a section equivalent to 10 CFR 71.83 to meet the Compatibility Category [B] designation assigned to 10 CFR 71.83.</p>
37	N/A	71.85	2004-1	[B]	<p>Preliminary determinations</p> <p>Florida omits this section from its regulations.</p> <p>Florida needs to add this section in order to meet the Compatibility Category [B] designation assigned to 10 CFR 71.85</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
38	64E-5.1505	71.87	2004-1	[B]	<p>Routine determinations</p> <p>Florida omits "For fissile material any moderator or neutron absorber, if required, is present and in proper condition" and "Accessible package surface temperatures will not exceed the limits specified in (Florida equivalent to) 71.43(g) at any time during transportation".</p> <p>Florida needs to add the above statements to 64E-5.1505 to meet the Compatibility Category [B] designation of 10 CFR 71.85.</p>
39	64E-5.1510	71.88	2004-1	[B]	<p>Air transport of plutonium</p> <p>Florida omits "For a shipment of plutonium by air which is subject to paragraph (a)(4) of this section, the licensee shall, through special arrangement with the carrier, require compliance with 49 CFR 175.704, U.S. Department of Transportation regulations applicable to the air transport of plutonium" from its regulation.</p> <p>Florida needs to add the above provision to 64E-5.1510 to meet the Compatibility Category [B] designation assigned to 10 CFR 71.88.</p>
40	64E-5.1506	71.97	2004-1	[B]	<p>Advance notification of shipment of irradiated reactor fuel and nuclear waste</p> <p>Florida's provision 64E-5.1506 is not essentially identical with 10 CFR 71.97 Advance notification of shipment of irradiated reactor fuel and nuclear waste. For example 64E-5.1506(2)(c) lists the incorrect quantities of licensed material in a single package, Florida's requirement of retaining records for 1 year is less restrictive than the NRC requirement of 3 years, and Florida's use of the word "messenger" in 64E-5.1506(4) rather than "by any other means than mail".</p> <p>Florida needs to change its regulation to make it essentially identical to NRC's regulation to meet the Compatibility Category [B] designation of 10 CFR 71.97.</p>
41	N/A	71.101(a)(b)&(c)(1)	2004-1	C	<p>Quality assurance requirements</p> <p>Florida omits the essential elements of this provision from its regulations.</p> <p>Florida needs to add the essential elements of this provision in order to meet the Compatibility Category C designation assigned to 10 CFR 71.101(a)(b)&(c)(1).</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
42	N/A	71.101(g)	2004-1	C	<p>Quality assurance requirements</p> <p>Florida omits the essential elements of this provision from its regulations.</p> <p>Florida needs to add the essential elements of this provision in order to meet the Compatibility Category C designation assigned to 10 CFR 71.101(g).</p>
43	N/A	71.103(a)	2004-1	C	<p>Quality assurance organization</p> <p>Florida omits the essential elements of this provision from its regulations.</p> <p>Florida needs to add the essential elements of this provision in order to meet the Compatibility Category B designation assigned to 10 CFR 71.103(a).</p>
44	N/A	71.103(b)	2004-1	C	<p>Quality assurance organization</p> <p>Florida omits the essential elements of this provision from its regulations.</p> <p>Florida needs to add the essential elements of this provision in order to meet the Compatibility Category C designation assigned to 10 CFR 71.103(b).</p>
45	N/A	71.105(a)(c)&(d)	2004-1	C	<p>Quality assurance program</p> <p>Florida omits the essential elements of this provision from its regulations.</p> <p>Florida needs to add the essential elements of this provision in order to meet the Compatibility Category C designation assigned to 10 CFR 71.105(a)(c)&(d).</p>
46	N/A	71.105(b)	2004-1	[C]	<p>Quality assurance program</p> <p>Florida omits the essential elements of this provision from its regulations.</p> <p>Florida needs to add the essential elements of this provision in order to meet the Compatibility Category [C] designation assigned to 10 CFR 71.105(b).</p>
47	N/A	71.127	2004-1	[C]	<p>Handling storage and shipping control</p> <p>Florida omits the essential elements of this provision from its regulations.</p> <p>Florida needs to add the essential elements of this provision in order to meet the Compatibility Category [C] designation assigned to 10 CFR 71.127.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
48	N/A	71.129	2004-1	[C]	<p>Inspection tests and operating status</p> <p>Florida omits the essential elements of this provision from its regulations.</p> <p>Florida needs to add the essential elements of this provision in order to meet the Compatibility Category [C] designation assigned to 10 CFR 71.129.</p>
49	N/A	71.131	2004-1	[C]	<p>Nonconforming materials parts or components</p> <p>Florida omits the essential elements of this provision from its regulations.</p> <p>Florida needs to add the essential elements of this provision in order to meet the Compatibility Category [C] designation assigned to 10 CFR 71.131.</p>
50	N/A	71.133	2004-1	C	<p>Corrective action</p> <p>Florida omits the essential elements of this provision from its regulations.</p> <p>Florida needs to add the essential elements of this provision in order to meet the Compatibility Category C designation assigned to 10 CFR 71.133.</p>
51	N/A	71.135	2004-1	C	<p>Quality assurance records</p> <p>Florida omits the essential elements of this provision from its regulations.</p> <p>Florida needs to add the essential elements of this provision in order to meet the Compatibility Category C designation assigned to 10 CFR 71.135.</p>
52	N/A	71.137	2004-1	C	<p>Audits</p> <p>Florida omits the essential elements of this provision from its regulations.</p> <p>Florida needs to add the essential elements of this provision in order to meet the Compatibility Category C designation assigned to 10 CFR 71.137.</p>

STATE SECTION	NRC SECTION	RATS ID	CATEGORY	STATUS
Appendix A to Part 71	Appendix A to Part 71	004-1		<p>Appendix A to Part 71</p> <p>Florida's incorporation of Appendix A to Part 71 has not been revised to include the changes made to Appendix A in 2004.</p> <p>Florida needs to revise their version of Appendix A to Part 71 in its regulations to meet the Compatibility Category [B] designation assigned to 10 CFR 71 Appendix A</p>

STATE REGULATION STATUS

State: Florida

[10 Amendments reviewed identified by a ★ at the beginning of each equivalent NRC requirement.]

Tracking Ticket Number: 7-28 & 7-29

Date: APRIL 23 , 2007

NRC Chronology Identification	FR Notice (Date due for State)	RATS ID	Proposed (P) / Final (F) Rule License Condition (LC) ML # ⁵	NRC Review / Y, N ² / Date /ML # ⁵	Final State Regulation ¹ (Effective Date)
Safety Requirements for Radiographic Equipment-Part 34	55 FR 843; (1/10/94)	1991-1	F	N 11/8/00	1/1/94
ASNT Certification of Radiographers-Part 34	56 FR 11504; (none)	1991-2			Not required ³
Standards for Protection Against Radiation-Part 20	56 FR 23360; 56 FR 61352; 57 FR 38588; 57 FR 57877; 58 FR 67657; 59 FR 41641; 60 FR 20183; (1/1/94)	1991-3	F ⁶ ML010250079	N 2/8/01 ML010430124	10/8/00
Notification of Incidents-Parts 20, 30, 31, 34, 39, 40, 70	56 FR 64980; (10/15/94)	1991-4	F	N 11/8/00	1/1/94
Quality Management Program and Misadministrations-Part 35	56 FR 34104; (1/27/95)	1992-1	F	N 11/8/00	1/1/94
Eliminating the Recordkeeping Requirements for Departures	57 FR 45566; (none)	1992-2			Not required ³

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from Manufacturer's Instructions-Parts 30,35					
Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites]- Parts 30, 40	58 FR 39628; (10/25/96)	1993-1	F	N 11/8/00	8/14/96
Licensing and Radiation Safety Requirements for Irradiators- Part 36	58 FR 7715; (7/1/96)	1993-2	F	N 11/8/00	8/14/96
Definition of Land Disposal and Waste Site QA Program-Part 61	58 FR 33886; (7/22/96)	1993-3			Not applicable SECY-95-112 ⁴
Self-Guarantee as an Additional Financial Mechanism- Parts 30, 40, 70	58 FR 68726; 59 FR 1618; (none)	1994-1			Not required ³
Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards-Part 40	59 FR 28220; (7/1/97)	1994-2			Not applicable to Florida
Timeliness in Decommissioning Material Facilities-Parts 30, 40, 70	59 FR 36026; (8/15/97)	1994-3	F	N 11/8/00	5/18/98
Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use-Parts 30, 32, 35	59 FR 61767; 59 FR 65243; 60 FR 322; (1/1/98)	1995-1	F ML020460297	N 4/24/02 ML021150491	8/6/01
Frequency of Medical Examinations for Use of Respiratory Protection Equipment-Part 20	60 FR 7900; (3/13/98)	1995-2	F	N 11/8/00	5/18/98
Low-Level Waste Shipment Manifest Information and Reporting-Parts 20, 61	60 FR 15649; 60 FR 25983; (3/1/98)	1995-3	F	N 11/8/00	5/18/98
Performance Requirements for Radiography Equipment- Part 34	60 FR 28323; (6/30/98)	1995-4	F	N 11/8/00	5/18/98
Radiation Protection Requirements: Amended Definitions and Criteria-Parts 19, 20	60 FR 36038; (8/14/98)	1995-5	F	N 11/8/00	5/18/98
Clarification of Decommissioning Funding Requirements-Parts 30, 40, 70	60 FR 38235; (11/24/98)	1995-6	F	N 11/8/00	5/18/98
Medical Administration of Radiation and Radioactive Materials-Parts 20, 35	60 FR 48623; (10/20/98)	1995-7	F ML010250079	N 2/8/01 ML010430124	10/8/00
10 CFR Part 71: Compatibility with the International Atomic Energy Agency-Part 71	60 FR 50248; 61 FR 28724; (4/1/99)	1996-1	F ML010250079	N 2/8/01 ML010430124	10/8/00
One Time Extension of Certain Byproduct, Source and	61 FR 1109; (none)	1996-2			Not required ³

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Special Nuclear Materials Licenses-Parts 30, 40, 70					
Termination or Transfer of Licensed Activities: Recordkeeping Requirements-Parts 20, 30, 40, 61, 70	61 FR 24669; (6/17/99)	1996-3	F ML010250079	N 2/8/01 ML010430124	10/8/00
Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act-Part 20	61 FR 65120; (1/9/00)	1997-1	F ML010250079	N 2/8/01 ML010430124	10/8/00
Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State-Part 150	62 FR 1662; (2/27/00)	1997-2	F ML010250079	N 2/8/01 ML010430124	10/8/00
Criteria for the Release of Individuals Administered Radioactive Material-Parts 20, 35	62 FR 4120; (5/29/00)	1997-3	F ML010250079	N 2/8/01 ML010430124	10/8/00
Fissile Material Shipments and Exemptions-Part 71	62 FR 5907; (none)	1997-4			Not required ³
★Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations-Parts 30, 34, 71, 150	62 FR 28947; (6/27/00)	1997-5	F ML070510098	Y 4/23/07 ML071100132	9/11/02
Radiological Criteria for License Termination-Parts 20, 30, 40, 70	62 FR 39057; (8/20/00)	1997-6	P ML020460297	N 4/24/02 ML021150491	8/6/01
Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea-Part 30	62 FR 63634; (1/02/01)	1997-7	F ML010250079	N 2/8/01 ML010430124	10/8/00
Deliberate Misconduct by Unlicensed Persons-Parts 30, 40, 61, 70, 150	63 FR 1890; 63 FR 13773; (2/12/01)	1998-1	F ML010250079	N 2/8/01 ML010430124	10/8/00
Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees-Parts 30, 40, 70	63 FR 29535; (none)	1998-2			Not required ³
License Term for Medical Use Licenses- Part 35	63 FR 31604; (none)	1998-3			Not required ³
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations-Part34	63 FR 37059; (7/9/01)	1998-4	P ML020460297	N 4/24/02 ML021150491	9/11/02
Minor Corrections, Clarifying Changes, and a Minor Policy Change-Parts 20, 35, 36	63 FR 39477; 63 FR 45393; (10/26/01)	1998-5	F ML010250079	N 2/8/01 ML010430124	10/8/00
★Transfer for Disposal and Manifests: Minor Technical Conforming Amendment-Part 20	63 FR 50127; (11/20/01)	1998-6	F ML070510098	N 4/23/07 ML071100132	
Radiological Criteria for License Termination of Uranium	64 FR 17506; (6/11/02)	1999-1			Not applicable

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Recovery Facilities-Part 40					SECY-95-112 ⁴
Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information-Part 31	64 FR 42269; (none)	1999-2			Not required ³
★Respiratory Protection and Controls to Restrict Internal Exposure - Part 20	64 FR 54543; 64 FR 55524; (2/2/03)	1999-3	F ML070510098	Y 4/23/07 ML071100132	
★Energy Compensation Sources for Well Logging and Other Regulatory Clarifications - Part 39	65 FR 20337; (5/17/03)	2000-1	F ML070510098	Y 4/23/07 ML071100132	
★New Dosimetry Technology-Parts 34, 36, 39	65 FR 63750; (1/8/04)	2000-2	F ML070510098	N 4/23/07 ML071100132	
★Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material - Parts 30, 31, 32	65 FR 79162; (2/16/04)	2001-1	F ML070510098	Y 4/23/07 ML071100132	
★Revision of the Skin Dose Limit-Part 20	67 FR 16298; 4/5/05	2002-1	F ML070510098	N 4/23/07 ML071100132	
Medical Use of Byproduct Material-Parts 20, 32, and 35	67 FR 20249; 10/24/05	2002-2			
★Financial Assurance for Materials Licensees – Parts 30, 40, 70	68 FR 57327 12/3/06	2003-1	F ML070510098	N 4/23/07 ML071100132	
★Compatibility with IAEA Transportation Safety Standards and Other Transportation Safety Amendments - Part 71	69 FR 3697; (10/01/07)	2004-1	F ML070510098	Y 4/23/07 ML071100132	
★Security Requirements for Portable Gauges Containing Byproduct Material - Part 30	70 FR 2001; (7/11/08)	2005-1	F ML070510098	N 4/23/07 ML071100132	
Medical Use of Byproduct Material - Recognition of Specialty Boards - Part 35	70 FR 16336; 71 FR 1926 (4/29/08)	2005-2			
Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) ⁷	70 FR 72128; (12/1/05)	2005-3	LC ML052700048	N 9/28/05 ML052720029	
Minor Amendments - Parts 20, 30, 32, 35, 40, and 70	71 FR 15005 (3/27/09)	2006-1			

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National Source Tracking System - Serialization Requirements - Part 32 with reference to Part 20 Appendix E	71 FR 65685 (2/6/07)	2006-2			
National Source Tracking System - Part 20	71 FR 65865 (11/15/07) & (11/30/07)	2006-3			

1. Or other generic Legally Binding Requirements.
2. (Y/N) means "Yes," there are comments in the review letter that the state needs to address.
N means "No," there are no comments in the review letter.
3. Not required means these regulations are not required for purposes of compatibility.
4. A State need not adopt a specific regulation if the State has no licensees that would be subject to that regulation. See: "Final Policy Statement on Adequacy and Compatibility of Agreement State Programs," III.1. Time Frame for Adoption of Compatible State Regulations, p. 6, SECY-95-112, May 3, 1995
5. ADAMS ML number.
6. Proposed modifications were made to be compatible with Part 20 as requested in NRC letter dated 11/24/97.
7. By letter dated September 2, 2005, from Paul H. Lohaus, Director, Office of State and Tribal Programs, Agreement States were given 90 days to issue legally binding requirements satisfying the requirements of NRC Order EA-05-090.