November 8, 2010

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

Dear Mr. Passetti:

We have reviewed the final revision to the Florida Control of Radiation Hazard Regulations, Chapter 64E-5, received by our office on September 9, 2010. These regulations were reviewed by comparison to the equivalent Nuclear Regulatory Commission (NRC) rules in 10 CFR Parts 20, 30, 32, 34, 35, 40, 70, 71 and 150 and the requirements of the six amendments identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with Michael Stephens on November 5, 2010.

As a result of our review, we have 38 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, FSME.

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://nrc-stp.ornl.gov/rulemaking.html.

If you have any questions regarding the comments, 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 (kathleen.schneider@nrc.gov) or Merri Horn at (301) 415-8126 (merri.horn@nrc.gov).

Sincerely,

/RA/

Terrence Reis, Deputy Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials and
Environmental Management Programs

Enclosures:
As stated

[Concurrence Page]

Enclosures: As stated

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SUNSI Review Complete

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COMPATIBILITY COMMENTS ON *FLORIDA* FINAL REGULATIONS

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	64E-5.6011(2)	35.2	2002-2 2006-1	B	**Definitions: Authorized user** Florida's definition of authorized user only refers to a physician. The NRC definition includes dentist and podiatrist. Florida needs to include dentist and podiatrist in its definition of authorized user. There are also two incorrect references. The equivalent to 35.190(a) should be 64E-5.649(1) and not 64E-5.549(1) and the equivalent of 35.290(a) should be 64E-5.650(1) and not 64E-5.550(1). Florida needs to make the above changes in order to meet Compatibility Category B designation assigned to the 10 CFR 35.2 definition Authorized user.
2	64E-5.605(1), 64E-5.607(1)	35.24(b) & (g)	2002-2	H&S	**Authority and responsibilities for the radiation protection program** Florida regulations in 64E-5.607(1) do not provide for Radiation Safety Officer's authority to "Stop unsafe operations" as provided in 10 CFR 35.24(g)(3). Florida needs to make the above change in order to meet Compatibility Category H&S designation assigned to the 10 CFR 35.24(g)(3).
3	64E-4.648(4)	35.50(d)	2005-2	B	**Training for Radiation Safety Officer** Florida's regulation allows the option for the written attestation to be signed by a residency program director who represents a consensus of residency program faculties in addition to the written attestation signed by a preceptor Radiation Safety Officer who meets the requirements specified in 10 CFR 35.50(d). This option needs to be deleted. Florida needs to replace the language

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					"has demonstrated the ability to function independently as a RSO to fulfill the radiation safety related duties for a medical use license." with "has achieved a level of radiation safety knowledge sufficient to function independently as a Radiation Safety Officer for a medical use licensee". Florida needs to make the above changes in order to meet Compatibility Category B designation assigned to 10 CFR 35.50(d).
4	64E-5.656(2)(b)	35.51(b)(2)	2002-2 2005-2 2006-1 2009-1	B	**Training for an authorized medical physicist** Florida's regulation allows the option for the written attestation to be signed by a residency program director who represents a consensus of residency program faculties in addition to the written attestation signed by a preceptor authorized medical physicist who meets the requirements specified in 10 CFR 35.51(b). This option needs to be deleted. Florida needs to replace the language "have demonstrated the ability to function independently as an authorized medical physicist to fulfill the radiation safety related duties for each type" with "has achieved a level of competency sufficient to function independently as an authorized medical physicist for each type". Florida regulations, while allowing equivalent agreement state requirements do not provide for equivalent NRC requirements. Florida needs to insert "Nuclear Regulatory Commission" before "or equivalent agreement state requirements…" Florida needs to make the above changes in order to meet Compatibility Category B designation assigned to 10 CFR 35.51(b)(2).

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
5	64E-5.659(2)(b)	35.55	2002-2 2005-2	B	**Training for an authorized nuclear pharmacist** Florida's regulation allows the option for the written attestation to be signed by a residency program director who represents a consensus of residency program faculties in addition to the written attestation signed by a preceptor authorized nuclear pharmacist who meets the requirements specified in 10 CFR 35.55(b). This option needs to be deleted. Florida needs to replace the language "have demonstrated the ability to function independently as an authorized nuclear pharmacist to fulfill the radiation safety related duties for a medical use license" with "has achieved a level of competency sufficient to function independently as an authorized nuclear pharmacist". Florida needs to make the above changes in order to meet Compatibility Category B designation assigned to 10 CFR 35.55(b)(2).
6	64E-5.626(1)(d)	35.100(b)	2002-2 2005-2 2006-1	H&S	**Use of unsealed byproduct material for uptake, dilution, and excretion studies for which a written directive is not required** Florida's 64E-5.626(1)(d)3 references incorrect sections as to who is authorized do the supervision. This section should parallel the equivalent references in 10 CFR 35.100(b)(3). Florida needs to make the above change in order to meet Compatibility Category H&S designation assigned to 10 CFR 35.100(b)(3).
7	64E-5.649(2)	35.190(b)	2002-2 2006-1	B	**Training for uptake, dilution and excretion studies** Florida regulation, 64E-5.649(2) while allowing equivalent agreement state requirements does not provide for equivalent NRC requirements.

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					Florida needs to insert “Nuclear Regulatory Commission” before “or equivalent agreement state requirements…” Florida needs to make the above change in order to meet Compatibility Category B designation assigned to 10 CFR 35.190(b).
8	64E-5.649(3)(a)	35.190(c)(1)	2002-2 2006-1 2009-1	B	**Training for uptake, dilution and excretion studies** Florida’s 64E-5.649(3)(a)(1) omitted 35.190(c)(1)(i)(E) which includes Radiation Biology as one of the areas of training. Florida regulation, 64E-5.649(3)(a)(2) while allowing equivalent agreement state requirements does not provide for equivalent NRC requirements. Florida needs to insert “Nuclear Regulatory Commission” before “or equivalent agreement state requirements…” Florida needs to make the above changes in order to meet Compatibility Category B designation assigned to 10 CFR 35.190(c)(1).
9	64E-5.649(3)(b)	35.190(c)(2)	2002-2 2006-1 2009-1	B	**Training for uptake, dilution and excretion studies** Florida’s regulation allows the option for the written attestation to be signed by a residency program director who represents a consensus of residency program faculties in addition to the written attestation signed by a preceptor authorized user who meets the requirements specified in 10 CFR 35.190(c)(2). This option needs to be deleted. Florida needs to replace the language “has demonstrated the ability to function independently as an authorized user to fulfill the radiation safety related duties for medical uses” with “has achieved a level of competency sufficient to function

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					independently as an authorized user for the medical uses". Florida regulation, 64E-5.649(3)(b) while allowing equivalent agreement state requirements does not provide for equivalent NRC requirements. Florida needs to insert "Nuclear Regulatory Commission" before "or equivalent agreement state requirements…" Florida needs to make the above changes in order to meet Compatibility Category B designation assigned to 10 CFR 35.190(c)(2).
10	64E-5.627(1)(d)	35.200(b)	2002-2 2005-2 2006-1	H&S	**Use of unsealed byproduct material for imaging and localization for which a written directive is not required** Florida's 64E-5.627(1)(d)(3) references incorrect sections as to who is authorized do the supervision. This section should parallel the equivalent references in 10 CFR 35.200(b)(3). Florida needs to make the above change in order to meet Compatibility Category H&S designation assigned to 10 CFR 35.200(b)(3).
11	64E-5.650(2)	35.290(b)	2002-2 2005-2 2006-1	B	**Training for imaging and localization studies** Florida regulation, 64E-5.650(2) while allowing equivalent agreement state requirements does not provide for equivalent NRC requirements. Florida needs to insert "Nuclear Regulatory Commission" before "or equivalent agreement state requirements…" 64E-5.650(2) need to delete the reference to paragraph 64E-5.650(3)(a). Florida needs to make the above changes in order to meet Compatibility Category B designation

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					assigned to 10 CFR 35.290(b).
12	64E-5.650(3)(a)	35.290(c)(1)	2002-2 2005-2 2006-1 2009-1	B	**Training for imaging and localization studies** 64E-5.650(3)(a)2 reverses the order of the and/or references "or sub-subparagraph 64E-5.650(3)(a)2.g., and Rule 64E-5.660," should be "or Rule 64E-5.660 and sub-subparagraph 64E-5.650(3)(a)2.g.," Florida regulation, 64E-5.650(3)(a)2 while allowing equivalent agreement state requirements does not provide for equivalent NRC requirements. Florida needs to insert "Nuclear Regulatory Commission" before "or equivalent agreement state requirements…" Florida needs to make the above changes in order to meet Compatibility Category B designation assigned to 10 CFR 35.290(c)(1).
13	64E-5.650(3)(b)	35.290(c)(2)	2002-2 2005-2 2006-1 2009-1	B	**Training for imaging and localization studies** Florida's regulation allows the option for the written attestation to be signed by a residency program director who represents a consensus of residency program faculties in addition to the written attestation signed by a preceptor authorized user who meets the requirements specified in 10 CFR 35.290(c)(2). This option needs to be deleted. Florida needs to replace the language "has demonstrated the ability to function independently as an authorized user to fulfill the radiation safety related duties for…." with "has achieved a level of competency sufficient to function independently as an authorized user for ..." Florida regulation, 64E-5.650(3)(b) while allowing equivalent agreement state requirements does not provide for equivalent NRC requirements.

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					Florida needs to insert “Nuclear Regulatory Commission” before “or equivalent agreement state requirements…” The references 64E-5.650(3)(a) is listed twice, remove the second “or 64E-5.650(3)(a)…” Florida needs to make the above changes in order to meet Compatibility Category B designation assigned to 10 CFR 35.290(c)(2).
14	64E-5.626(2)(d) 64E-5.627(2)(d) 64E-5.627(3)(d) 64E-5.630(1)(d) 64E-5.630(2)(d) 64E-5.630(3)(d) 64E-5.630(4)(d)	35.300(b)	2002-2 2006-1	B	**Use of unsealed byproduct material for which a written directive is required** As written 64E-5.626(2)(d)2. and 64E-5.627(2)(d)2 only apply to uses of NaI-131 >30 microcuries and do not include other radioactive materials. The phrase “for sodium iodide I-131 in quantities greater than 30 microcuries (1.11 MBq)” should be deleted. Florida’s 64E-5.627(1)(d)(3) references incorrect sections as to who is authorized do the supervision. This section should parallel the equivalent references in 10 CFR 35.300(b)(3). The same incorrect references are in 64E-5.627(2)(d)3, 64E-5.627(3)(d)3., 64E-5.630(1)(d)3., 64E-5.630(2)(d)3., 64E-5.630(3)(d)3., and 64E-5.630(4)(d)3.. Florida needs to make the above changes in order to meet Compatibility Category B designation assigned to 10 CFR 35.300(b).
15	64E-5.660(2)(a)	35.390(b)(1)	2002-2 2005-1 2006-1 2009-1	B	**Training for use of unsealed by-product material for which a written directive is required** Florida regulation, 64E-5.660(2)(a)2 while allowing equivalent agreement state requirements does not provide for equivalent NRC requirements. Florida needs to insert “Nuclear Regulatory Commission” before “or

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					equivalent agreement state requirements…" Florida needs to make the above change in order to meet Compatibility Category B designation assigned to 10 CFR 35.390(b)(1).
16	64E-5.660(2)(b)	35.390(b)(2)	2002-2 2005-2 2006-1 2009-1	B	**Training for use of unsealed by-product material for which a written directive is required** Florida's regulation allows the option for the written attestation to be signed by a residency program director who represents a consensus of residency program faculties in addition to the written attestation signed by a preceptor authorized user who meets the requirements specified in 10 CFR 35.390(b)(2). This option needs to be deleted. Florida needs to replace the language "have demonstrated the ability to function independently as an authorized user to fulfill the radiation safety related duties for…." with "has achieved a level of competency sufficient to function independently as an authorized user for ..." Florida regulation, 64E-5.660(2)(b) while allowing equivalent agreement state requirements does not provide for equivalent NRC requirements. Florida needs to insert "Nuclear Regulatory Commission" before "or equivalent agreement state requirements…" Florida needs to make the above changes in order to meet Compatibility Category B designation assigned to 10 CFR 35.390(b)(2).

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
17	64E-5.661(2)	35.392(b)	2002-2 2006-1	B	**Training for the oral administration of sodium iodide I-131 requiring a written directive in quantities less than or equal to 1.22 Gigabecquerels (33 millicuries)** Florida regulation, 64E-5.661(2) while allowing equivalent agreement state requirements does not provide for equivalent NRC requirements. Florida needs to insert "Nuclear Regulatory Commission" before "or equivalent agreement state requirements…" Florida needs to make the above change in order to meet Compatibility Category B designation assigned to 10 CFR 35.392(b).
18	64E-5.661(3)(a) – (b)	35.392(c)(1) – (2)	2002-2 2005-2 2006-1 2009-1	B	**Training for the oral administration of sodium iodide I-131 requiring a written directive in quantities less than or equal to 1.22 Gigabecquerels (33 millicuries)** Florida regulation, 64E-5.661(3)(b) while allowing equivalent agreement state requirements does not provide for equivalent NRC requirements. Florida needs to insert "Nuclear Regulatory Commission" before "or equivalent agreement state requirements…" Florida needs to make the above change in order to meet Compatibility Category B designation assigned to 10 CFR 35.392(c)(2).
19	64E-5.661(3)(c)	35.392(c)(3)	2002-2 2005-2 2006-1 2009-1	B	**Training for the oral administration of sodium iodide I-131 requiring a written directive in quantities less than or equal to 1.22 Gigabecquerels (33 millicuries)** Florida's regulation allows the option for the written attestation to be signed by a residency program director who represents a consensus of residency program faculties in addition to the written attestation signed by a preceptor authorized user who meets

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					the requirements specified in 10 CFR 35.392(c)(3). This option needs to be deleted. Florida needs to replace the language "have demonstrated the ability to function independently as an authorized user to fulfill the radiation safety related duties for…." with "has achieved a level of competency sufficient to function independently as an authorized user for ..." Florida regulation, 64E-5.661(3)(c) while allowing equivalent agreement state requirements does not provide for equivalent NRC requirements. Florida needs to insert "Nuclear Regulatory Commission" before "or equivalent agreement state requirements…" Florida needs to make the above changes in order to meet Compatibility Category B designation assigned to 10 CFR 35.392(c)(3).
20	64E-5.662(2)	35.394(b)	2002-2 2006-1	B	**Training for the oral administration of sodium iodide I-131 requiring a written directive in quantities greater than 1.22 Gigabecquerels (33 millicuries)** Florida regulation, 64E-5.662(2) while allowing equivalent agreement state requirements does not provide for equivalent NRC requirements. Florida needs to insert "Nuclear Regulatory Commission" before "or equivalent agreement state requirements…" Florida needs to make the above change in order to meet Compatibility Category B designation assigned to 10 CFR 35.394(b).

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
21	64E-5.662(3)(b)	35.394(c)(2)	2002-2 2005-2 2006-1 2009-1	B	**Training for the oral administration of sodium iodide I-131 requiring a written directive in quantities greater than 1.22 Gigabecquerels (33 millicuries)** Florida regulation, 64E-5.662(3)(b) while allowing equivalent agreement state requirements does not provide for equivalent NRC requirements. Florida needs to insert "Nuclear Regulatory Commission" before "or equivalent agreement state requirements…" Florida needs to make the above change in order to meet Compatibility Category B designation assigned to 10 CFR 35.394(c)(2).
22	64E-5.662(3)(c)	35.394(c)(3)	2002-2 2005-2 2006-1 2009-1	B	**Training for the oral administration of sodium iodide I-131 requiring a written directive in quantities greater than 1.22 Gigabecquerels (33 millicuries)** Florida's regulation allows the option for the written attestation to be signed by a residency program director who represents a consensus of residency program faculties in addition to the written attestation signed by a preceptor authorized user who meets the requirements specified in 10 CFR 35.394(c)(3). This option needs to be deleted. Florida needs to replace the language "have demonstrated the ability to function independently as an authorized user to fulfill the radiation safety related duties for…." with "has achieved a level of competency sufficient to function independently as an authorized user for ..." Florida regulation, 64E-5.662(3)(c) while allowing equivalent agreement state requirements does not provide for equivalent NRC requirements. Florida needs to insert "Nuclear Regulatory Commission" before "or

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					equivalent agreement state requirements…" Florida needs to make the above changes in order to meet Compatibility Category B designation assigned to 10 CFR 35.394(c)(3).
23	64E-5.663(2)	35.396(b)	2005-2 2006-1	B	**Training for the parenteral administration of unsealed byproduct material requiring a written directive** Florida regulation, 64E-5.663(2) while allowing equivalent agreement state requirements does not provide for equivalent NRC requirements. Florida needs to insert "Nuclear Regulatory Commission" before "or equivalent agreement state requirements…" Florida needs to make the above change in order to meet Compatibility Category B designation assigned to 10 CFR 35.396(b).
24	64E-5.663(4)(b)	35.396(d)(2)	2005-2 2006-1 2009-1	B	**Training for the parenteral administration of unsealed byproduct material requiring a written directive** Florida regulation, 64E-5.663(4)(b) while allowing equivalent agreement state requirements does not provide for equivalent NRC requirements. Florida needs to insert "Nuclear Regulatory Commission" before "or equivalent agreement state requirements…" Florida needs to make the above change in order to meet Compatibility Category B designation assigned to 10 CFR 35.396(d)(2).
25	64E-5.663(4)(c)	35.396(d)(3)	2005-2 2006-1 2009-1	B	**Training for the parenteral administration of unsealed byproduct material requiring a written directive** Florida's regulation allows the option for the written attestation to be signed

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					by a residency program director who represents a consensus of residency program faculties in addition to the written attestation signed by a preceptor authorized user who meets the requirements specified in 10 CFR 35.396(d)(3). This option needs to be deleted. Florida needs to replace the language "have demonstrated the ability to function independently as an authorized user to fulfill the radiation safety related duties for…." with "has achieved a level of competency sufficient to function independently as an authorized user for ..." Florida regulation, 64E-5.663(4)(c) while allowing equivalent agreement state requirements does not provide for equivalent NRC requirements. Florida needs to insert "Nuclear Regulatory Commission" before "or equivalent agreement state requirements…" Florida needs to make the above changes in order to meet Compatibility Category B designation assigned to 10 CFR 35.396(d)(3).
26	64E-5.633(1)	35.406(a) & (b)	2002-2	H&S	**Brachytherapy sources accountability** Florida's 64E-5.633(1) as written, does not address the essential objective of returning the brachytherapy sources to a secure storage area as soon as possible after removing sources from the patient or human research subject in 10 CFR 35.406(b). Florida needs to make the above change in order to meet Compatibility Category H&S designation assigned to 35.406(b).

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
27	64E-5.652(2)(a)2	35.490(b)(1)(ii)	2002-2 2006-1 2009-1	B	**Training for use of manual brachytherapy sources** Florida regulation, 64E-5.652(2)(a)2 while allowing equivalent agreement state requirements does not provide for equivalent NRC requirements. Florida needs to insert "Nuclear Regulatory Commission" before "or equivalent agreement state requirements…" Florida needs to make the above change in order to meet Compatibility Category B designation assigned to 10 CFR 35.490(b)(1)(ii).
28	64E-5.652(2)(c)	35.490(b)(3)	2002-2 2005-2 2006-1 2009-1	B	**Training for use of manual brachytherapy sources** Florida's regulation allows the option for the written attestation to be signed by a residency program director who represents a consensus of residency program faculties in addition to the written attestation signed by a preceptor authorized user who meets the requirements specified in 10 CFR 35.490(b)(3). This option needs to be deleted. Florida needs to replace the language "have demonstrated the ability to function independently as an authorized user to fulfill the radiation safety related duties for…." with "has achieved a level of competency sufficient to function independently as an authorized user for ..." Florida regulation, 64E-5.652(2)(c) while allowing equivalent agreement state requirements does not provide for equivalent NRC requirements. Florida needs to insert "Nuclear Regulatory Commission" before "or equivalent agreement state requirements…" Florida needs to make the above changes in order to meet Compatibility Category B designation

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					assigned to 35.490(b)(3).
29	64E-5.653(1)	35.491(a)	2002-2 2006-1	B	**Training for ophthalmic use of strontium-90** Florida regulation, 64E-5.653(1) while allowing equivalent agreement state requirements does not provide for equivalent NRC requirements. Florida needs to insert “Nuclear Regulatory Commission” before “or equivalent agreement state requirements…” Florida needs to make the above change in order to meet Compatibility Category B designation assigned to 10 CFR 35.491(a).
30	64E-5.653(2)(a)1.	35.491(b)(1)(i)	2002-2	B	**Training for ophthalmic use of strontium-90** In 64E-5.653(2)(a)1 replace “Radiation Protection and instrumentation” with “Radiation physics and Instrumentation”. Florida needs to make the above change in order to meet Compatibility Category B designation assigned to 35.491(b)(1)(i).
31	64E-5.653(2)(c)	35.491(b)(3)	2002-2 2005-2 2006-1 2009-1	B	**Training for ophthalmic use of strontium-90** Florida’s regulation allows the option for the written attestation to be signed by a residency program director who represents a consensus of residency program faculties in addition to the written attestation signed by a preceptor authorized user who meets the requirements specified in 10 CFR 35.491(b)(3). This option needs to be deleted. Florida needs to replace the language “have demonstrated the ability to function independently as an authorized user to fulfill the radiation safety related duties for….” with “has achieved a level of competency sufficient to function independently as

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					an authorized user for ...” Florida regulation, 64E-5.653(2)(c) while allowing equivalent agreement state requirements does not provide for equivalent NRC requirements. Florida needs to insert “Nuclear Regulatory Commission” before “or equivalent agreement state requirements…” Florida needs to make the above changes in order to meet Compatibility Category B designation assigned to 10 CFR 35.491(b)(3).
32	64E-5.654	35.590	2002-2	B	**Training for use of sealed sources for diagnosis** Florida’s 64E-5.654 does not address “physician, dentist or podiatrist” as “authorized users”. Florida needs to make the above change in order to meet Compatibility Category B designation assigned to 10 CFR 35.590.
33	64E-5.6412(2)	35.635(b)	2002-2	H&S	**Full calibration measurements on gamma stereotactic radiosurgery units** In 64E-5.6412(2), replace “On-off timers” with “On-off errors”. Florida needs to make the above change in order to meet Compatibility Category H&S designation assigned to 35.635(b)(5).
34	64E-5.643(1)(a) 64E-5.643(1)(b) 64E-5.644(1)	35.652(a)	2002-2	H&S	**Radiation surveys** 64E-5.643(1) should be revised to include surveys after repair as required by 10 CFR 35.652(b). Florida needs to make the above change in order to meet Compatibility Category H&S designation assigned to 10 CFR 35.652(a).
35	64E-5.655(2)(a)2	35.690(b)(1)(ii)	2002-2 2006-1 2009-1	B	**Training for use of remote afterloader units, teletherapy units, and gamma stereotactic**

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					radiosurgery units Florida has omitted the equivalent requirements to 10 CFR 35.690(b)(1)(ii). Florida needs to make the above change in order to meet Compatibility Category B designation assigned to 10 CFR 35.690(b)(1)(ii).
36	64E-5.655(2)(b)	35.690(b)(2)	2002-2 2006-1 2009-1	B	**Training for use of remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units** Florida regulation, 64E-5.655(2)(b) while allowing equivalent agreement state requirements does not provide for equivalent NRC requirements. Florida needs to insert "Nuclear Regulatory Commission" before "or equivalent agreement state requirements…" Florida needs to make the above change in order to meet Compatibility Category B designation assigned to 10 CFR 35.690(b)(2).
37	64E-5.655(2)(c)	35.690(b)(3)	2002-2	B	**Training for use of remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units** Florida's regulation allows the option for the written attestation to be signed by a residency program director who represents a consensus of residency program faculties in addition to the written attestation signed by a preceptor authorized user who meets the requirements specified in 10 CFR 35.690(b)(3). This option needs to be deleted. Florida needs to replace the language "have demonstrated the ability to function independently as an authorized user to fulfill the radiation safety related duties for…." with "has achieved a level of competency sufficient to function independently as

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					an authorized user for ...” Florida regulation, 64E-5.655(2)(c) while allowing equivalent agreement state requirements does not provide for equivalent NRC requirements. Florida needs to insert “Nuclear Regulatory Commission” before “or equivalent agreement state requirements…” Florida needs to make the above changes in order to meet Compatibility Category B designation assigned to 10 CFR 35.690(b)(3).
38	64E-5.101(85)(a)12. 64E-5.101(85)(b)2.g 64E-5.345(b)	35.3045(b)	2002-2	C	**Report and notification of a medical event** Florida’s definition for a medical event requires a dose criteria to be met for non-written directives procedures which is less restrictive than requirements in 35.3045(b). Florida needs to make the above change in order to meet Compatibility Category C designation assigned to 10CFR 35.3045(b).

STATE REGULATION STATUS

State: Florida

Tracking Ticket Number: 10-44
Date: November 8, 2010

[6 amendment(s) reviewed is identified by a ★ at the beginning of the equivalent NRC requirement.]

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
1991-1	Safety Requirements for Radiographic Equipment Part 34 55 FR 843 (**Superceded by 1997-5)**	01/10/1994	Final	No Comments 11/08/2000	Florida has adopted Final Regulations equivalent to RATS ID: 1997-5
1991-2	ASNT Certification of Radiographers Part 34 56 FR 11504 (**Superceded by 1997-5)**	none	Not Required	Not Required	Florida has adopted Final Regulations equivalent to RATS ID: 1997-5
1991-3	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;	01/01/1994	Final ML010250079	No Comments 02/08/2001 ML010430124	
1991-4	Notification of Incidents Parts 20, 30, 31, 34, 39, 40, 70 56 FR 64980;	10/15/1994	Final	No Comments 11/08/2000	
1992-1	Quality Management Program and Misadministrations Part 35 56 FR 34104 **(Superceded by 2002-2)**	01/27/1995	Final	No Comments 11/08/2000	Florida has not yet adopted Final Regulations equivalent to RATS ID: 2002-2.
1992-2	Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions Parts 30, 35 57 FR 45566	none	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1993-1	Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites] Parts 30, 40 58 FR 39628	10/25/1996	Final	No Comments 11/08/2000	

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1993-2	Licensing and Radiation Safety Requirements for Irradiators Part 36 58 FR 7715	07/01/1996	Final	No Comments 11/08/2000	
1993-3	Definition of Land Disposal and Waste Site QA Program Part 61 58 FR 33886	07/22/1996	Not Applicable[i]	Not Applicable	Florida does not have any licensees subject to these regulations (See SECY-95112)
1994-1	Self-Guarantee as an Additional Financial Mechanism Parts 30, 40, 70 58 FR 68726; 59 FR 1618	none	Not Required	Not Required	These regulation changes are no requires to be adopted for purposes of Compatibility.
1994-2	Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards Part 40 59 FR 28220	07/01/1997	Not Applicable	Not Applicable	Florida does not have authority under its agreement to regulate this material.
1994-3	Timeliness in Decommissioning Material Facilities Parts 30, 40, 70 59 FR 36026	08/15/1997	Final	No Comments 11/08/2000	
1995-1	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	01/01/1998	Final ML020460297	No Comments 04/24/2002 ML021150491	
1995-2	Frequency of Medical Examinations for Use of Respiratory Protection Equipment Part 20 60 FR 7900	03/13/1998	Final	No Comments 11/08/2000	
1995-3	Low-Level Waste Shipment Manifest Information and Reporting Parts 20, 61 60 FR 15649; 60 FR 25983	03/01/1998	Final	No Comments 11/08/2000	
1995-4	Performance Requirements for Radiography Equipment Part 34 60 FR 28323	06/30/1998	Final	No Comments 11/08/2000	Florida has adopted Final Regulations equivalent to RATS ID: 1997-5.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
	(Superceded by 1997-5)				
1995-5	Radiation Protection Requirements: Amended Definitions and Criteria Parts 19, 20 60 FR 36038	08/14/1998	Final	No Comments 11/08/2000	
1995-6	Clarification of Decommissioning Funding Requirements Parts 30, 40, 70 60 FR 38235	11/24/1998	Final	No Comments 11/08/2000	
1995-7	Medical Administration of Radiation and Radioactive Materials Parts 20, 35 60 FR 48623 **(Superceded by 2002-2 and 2005-2)**	10/20/1998	Final ML010250079	No Comments 02/08/2001 ML010430124	Florida has not yet adopted Final Regulations equivalent to RATS IDs: 2002-2 and 2005-2.
1996-1	Compatibility with the International Atomic Energy Agency Part 71 60 FR 50248; 61 FR 28724 **(Superceded by 2004-1)**	04/01/1999	Final ML010250079	No Comments 02/08/2001 ML010430124	Florida has adopted Final Regulations equivalent to RATS ID: 2004-1.
1996-2	One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses Parts 30, 40, 70 61 FR 1109	02/15/1999	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1996-3	Termination or Transfer of Licensed Activities: Record keeping Requirements Parts 20, 30, 40, 61, 70 61 FR 24669	06/17/1999	Final ML010250079	No Comments 02/08/2001 ML010430124	
1997-1	Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act Part 20 61 FR 65120	01/9/2000	Final ML010250079	No Comments 02/08/2001 ML010430124	
1997-2	Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State Part 150 62 FR 1662	02/27/2000	Final ML010250079	No Comments 02/08/2001 ML010430124	

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1997-3	Criteria for the Release of Individuals Administered Radioactive Material Parts 20, 35 62 FR 4120	05/29/2000	Final ML010250079	No Comments 02/08/2001 ML010430124	
1997-4	Fissile Material Shipments and Exemptions Part 71 62 FR 5907 **(Superceded by 2004-1)**	02/10/2000	Not Required	Not Required	Florida has adopted Final Regulations equivalent to RATS ID: 2004-1. (See STP-97-078)
*1997-5	Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations Parts 30, 34, 71, 150 62 FR 28947	06/27/2000	Final ML102500220	No Comments 11/08/2010 ML102780120	
1997-6	Radiological Criteria for License Termination Parts 20, 30, 40, 70 62 FR 39057	08/20/2000	Final ML020460297	No Comments 04/24/2002 ML021150491	
1997-7	Exempt Distribution of a Radioactive Drug Containing One Micro curie of Carbon-14 Urea Part 30 62 FR 63634	01/02/2001	Final ML010250079	No Comments 02/08/2001 ML010430124	
1998-1	Deliberate Misconduct by Unlicensed Persons Parts 30, 40, 61, 70, 71, 150 63 FR 1890; 63 FR 13773	02/12/2001	Final ML010250079	No Comments 02/08/2001 ML010430124	
1998-2	Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees Parts 30, 40, 70 63 FR 29535	07/01/2001	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1998-3	License Term for Medical Use Licenses Part 35 63 FR 31604 **(Superceded by 2002-2)**	07/10/2001	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-98-074)

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1998-4	Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations Part 34 63 FR 37059	07/09/2001	Final ML020460297	No Comments 04/24/2002 ML021150491	
1998-5	Minor Corrections, Clarifying Changes, and a Minor Policy Change Parts 20, 35, 36 63 FR 39477; 63 FR 45393	10/26/2001	Final ML010250079	No Comments 02/08/2001 ML010430124	
1998-6	Transfer for Disposal and Manifests: Minor Technical Conforming Amendment Part 20 63 FR 50127	11/20/2001	Final ML070510098	No Comments 04/23/2007 ML071100132	
1999-1	Radiological Criteria for License Termination of Uranium Recovery Facilities Part 40 64 FR 17506	06/11/2002	Not Applicable	Not Applicable	Florida does not have authority to regulate this material under its Agreement.
1999-2	Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information Part 31 64 FR 42269	10/04/2002	Not Required	Not Required	These regulations are not required to be adopted for purposes of Compatibility.
1999-3	Respiratory Protection and Controls to Restrict Internal Exposure Part 20 64 FR 54543; 64 FR 55524	02/02/2003	Final ML080780044	No Comments 04/09/2008 ML080990829	
2000-1	Energy Compensation Sources for Well Logging and Other Regulatory Clarifications Part 39 65 FR 20337	05/17/2003	Final ML080780044	No Comments 04/09/2008 ML080990829	
2000-2	New Dosimetry Technology Parts 34, 36, 39 65 FR 63750	01/08/2004	Final ML070510098	No Comments 04/23/2007 ML071100132	

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2001-1	Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material Parts 30, 31, 32 65 FR 79162	02/16/2004	Final ML080780044	Comments 04/09/2008 ML080990829	
2002-1	Revision of the Skin Dose Limit Part 20 67 FR 16298	04/05/2005	Final ML070510098	No Comments 04/23/2007 ML071100132	
*2002-2	Medical Use of Byproduct Material Parts 20, 32, 35 67 FR 20249	10/24/2005	Final ML102500220	Comments 11/08/2010 ML102780120	
2003-1	Financial Assurance for Materials Licensees Parts 30, 40, 70 68 FR 57327	12/03/2006	Final ML070510098	No Comments 04/23/2007 ML071100132	
2004-1	Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments Part 71 69 FR 3697	10/01/2007	Final ML080780044	No Comments 04/09/2008 ML080990829	
2005-1	Security Requirements for Portable Gauges Containing Byproduct Material Part 30 70 FR 2001	07/11/2008	Final ML070510098	No Comments 04/23/2007 ML071100132	
*2005-2	Medical Use of Byproduct Material - Recognition of Specialty Boards Part 35 70 FR 16336; 71 FR 1926	04/29/2008	Final ML102500220	Comments 11/08/2010 ML102780120	
2005-3	Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) 70 FR 72128	12/01/2005	License Condition ML052700048	No Comments 09/28/2005 ML052720029	
*2006-1	Minor Amendments Parts 20, 30, 32, 35, 40 and 70 71 FR 15005	03/27/2009	Final ML102500220	Comments 11/08/2010 ML102780120	

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2006-2	National Source Tracking System - Serialization Requirements Part 32 with reference to Part 20 Appendix E 71 FR 65685	02/06/2007	Final ML080780044	No Comments 04/09/2008 ML080990829	
2006-3	National Source Tracking System Part 20 71 FR 65685, 72 FR 59162	01/31/2009	Final ML080780044	No Comments 04/09/2008 ML080990829	
*2007-1	Medical Use of Byproduct Material - Minor Corrections and Clarifications Parts 32 and 35 72 FR 45147, 54207	10/29/2010	Final ML102500220	No Comments 11/08/2010 ML102780120	
2007-2	Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements Parts 30, 31, 32, 150 72 FR 58473	12/17/2010			
2007-3	Requirements for Expanded Definition of Byproduct Material Parts 20, 30, 31, 32, 33, 35, 61, 150 72 FR 55864	11/30/2010			
2007-4	Order Imposing Fingerprinting Requirements and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material NRC Order EA-07-305 72 FR 70901	06/05/2008	License Condition ML080420366	No Comments 02/28/2008 ML080590007	
2008-1	Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent Parts 19, 20 72 FR 68043	01/03/2011			

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*2009-1	Medical Use of Byproduct Material – Authorized User Clarification Part 35 74 FR 33901	09/28/2012	Final ML102500220	Comments 11/08/2010 ML102780120	

[i] IMPEP Team: verify that Florida does not have any licensees subject to these regulations during each review.