



Rick Scott
Governor

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Acting State Surgeon General

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Terrence Reis, Deputy Director
Division Materials Safety and State Agreements
Office of Federal and State Materials and
Environmental Management Programs
U.S. Nuclear Regulatory Commission
T8-E24
Washington, D.C. 20555-0001
Only sent via e-mail to (Terrence.Reis@nrc.gov)

Dear Mr. Reis:

Enclosed is a copy of the Florida's Control of Radiation Hazard Regulations, Chapter 64E-5, Florida Administrative Code (FAC) and license condition to meet the requirements identified in RATS 2008-1. At this time Florida's rule making process is undergoing major revisions due to recent legislative changes. In addition, the Governors Executive Order 01-001 places a hold on all rulemaking until further review.

Rats ID	Title	State Section
2008-1	Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent (Parts 19, 20)	Multiple- See attached Conversion Table

SUMMARY:

The Florida existing rules are more restrictive than the changes made to 10 CFR 19.13 and 20.2205 which are designated compatibility C. The changes in definition of TEDE in 10 CFR 20.1003 and the occupational dose limits for adults in 210.1201 are being addressed by license condition which is provided for NRC review and approval.

We believe that this generally satisfies the compatibility and health and safety categories established in the Office of Federal and State Materials and Environmental Management Programs (FSME) Procedure SA-200 for the sections indicated in the attached conversion table.

If you have any questions, please feel free to contact me at (850) 245-4043 or Mike_Stephens@doh.state.fl.us.

Sincerely,



Michael N. Stephens
Environmental Health Program Consultant

Enclosure:
RATS 2008-1 Sheet (10 CFR to 64E-5 Conversion - Compatibility Table) and supporting documents

cc: Bill Passetti, Chief, Bureau of Radiation Control
Paul Vause, Environmental Administrator, Bureau of Radiation Control
Donna Janda, FL's NRC RASO (Donna.Janda@nrc.gov)
Kathleen Schneider NRC State Regulation Review Coordinator
(Kathleen.Schneider@nrc.gov)

Occupational Dose Records, Labeling Containers, and the Total Effective Dose Equivalent Parts – 19 and 20
(72 FR 68043) RATS ID # 2008-1 Effective date 02/15/08
Date Due for State Adoption 02/15/11

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
19.13	Notification and reports to individuals	NOT Changed 64E-5.903(2) = 10 CFR 19.13(b) & 64E-5.903(4) = 10 CFR 19.13(d) SEE ATTACHED RULE BELOW	C	<p>In § 19.13, paragraphs (b) and (d) are revised to read as follows:</p> <p>(b) Each licensee shall make dose information available to workers as shown in records maintained by the licensee under the provisions of 10 CFR 20.2106. The licensee shall provide an annual report to each individual monitored under 10 CFR 20.1502 of the dose received in that monitoring year if:</p> <p>(1) The individual's occupational dose exceeds 1 mSv (100 mrem) TEDE or 1 mSv (100 mrem) to any individual organ or tissue; or</p> <p>(2) The individual requests his or her annual dose report.</p> <p>*****</p> <p>(d) When a licensee is required by §§ 20.2202, 20.2203 or 20.2204 of this chapter to report to the Commission any exposure of an individual to radiation or radioactive material, the licensee shall also provide the individual a report on his or her exposure data included in the report to the Commission. This report must be transmitted no later than the transmittal to the Commission.</p>	Y	N	<p>Florida's existing rules 64E-5.903(2) is currently more restrictive than NRC's 10 CFR 19.13(b)</p> <p>Florida's rules require annual reporting to individuals regardless of the dose.</p> <p>This is allowed under the compatibility C designation</p>

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' 20.1003	Definition: Total Effective Dose Equivalent (TEDE)	NONE- See Proposed License Condition Please review the proposed draft rule when rulemaking resumes 64E-5.101(151)	A	In § 20.1003, the definition of <i>Total Effective Dose Equivalent (TEDE)</i> is revised to read as follows: <i>Total Effective Dose Equivalent (TEDE) means the sum of the effective dose equivalent (for external exposures) and the committed effective dose equivalent (for internal exposures).</i>	N	N	See proposed License Condition Below
' 20.1201	Occupational Dose Limits for Adults	NONE- See Proposed License Condition Please review the proposed draft rule when rulemaking resumes 64E-5.304(3)	A	In § 20.1201, paragraph (c) is revised to read as follows: (c) <u>When the external exposure is determined by measurement with an external personal monitoring device, the deep-dose equivalent must be used in place of the effective dose equivalent, unless the effective dose equivalent is determined by a dosimetry method approved by the NRC.</u> The assigned deep-dose equivalent must be for the part of the body receiving the highest exposure. The assigned shallow-dose equivalent must be the dose averaged over the contiguous 10 square centimeters of skin receiving the highest exposure. The deep-dose equivalent, lens dose	N	N	See proposed License Condition Below

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				equivalent, and shallow-dose equivalent may be assessed from surveys or other radiation measurements for the purpose of demonstrating compliance with the occupational dose limits, if the individual monitoring device was not in the region of highest potential exposure, or the results of individual monitoring are unavailable.			
' 20.1905 (g)	Exemptions to Labeling Requirements	No Change- New 20.1905(g) addition is NRC Only	NRC (***please note Part 20.1905 (a) – (f) still remains a Compatibility Category A only the newly added paragraph (g) is a Compatibility Category NRC)	In § 20.1905 paragraph (g) is added to read as follows: (g) Containers holding licensed material (other than sealed sources that are either specifically or generally licensed) at a facility licensed under Parts 50 or 52 of this chapter, not including non-power reactors, that are within an area posted under the requirements in § 20.1902 if the containers are: (1) Conspicuously marked (such as by providing a system of color coding of containers) commensurate with the radiological hazard; (2) Accessible only to individuals who have sufficient instruction to minimize radiation exposure while handling or working in the vicinity of the containers; and (3) Subject to plant procedures to	NA	NA	

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				ensure they are appropriately labeled, as specified at § 20.1904 before being removed from the posted area.			
' 20.2104	Determination of Prior Occupational Dose	64E-5.308 Not Changed	D	N/A	N	N	Compatibility designation D
' 20.2205	Reports to Individuals of Exceeding Dose Limits	64E-5.347 Not Changed	C	Section 20.2205 is revised to read as follows: When a licensee is required by §§ 20.2203 or 20.2204 to report to the Commission any exposure of an identified occupationally exposed individual, or an identified member of the public, to radiation or radioactive material, the licensee shall also provide the individual a report on his or her exposure data included in the report to Commission. This report must be transmitted no later than the transmittal to the Commission.	N	N	Florida rules add additional information that other reporting requirements are also in 64E-5 Part IX (10 CFR Part 19)

We submit to NRC the proposed Florida's Standard Tie down Condition which has added a new subpart C to comply with the new definition of TEDE in 10 CFR 20.1003 and the requirements of 10 CFR 20.1201(c)

- @.** A. Except as specifically provided otherwise by this license, the licensee shall possess and use licensed material described in Items 6, 7, 8, and 9 of this license in accordance with statements, representations and procedures contained in the licensee's application dated **@**, signed by **@**, and correspondence dated **@**, signed by **@**.
(**@**Additional Correspondence list as needed)
- B. The licensee shall comply with all applicable requirements of Chapter 64E-5, Florida Administrative Code, and these regulations shall supersede the licensee's statements in applications or correspondence, unless the statements are more restrictive than the regulations.
- C. For the purpose of these rules "Total effective dose equivalent (TEDE)" means the sum of the effective dose equivalent for external exposures and the committed effective dose equivalent for internal exposures and when the external exposure for compliance with subsection 64E-5.308(3) is determined by measurement with an external personal monitoring device, the deep-dose equivalent must be used in place of the effective dose equivalent, unless the effective dose equivalent is determined by a dosimetry method approved by the department. **[RATS 2008-1]**

This license condition will be in place until the following proposed rule changes are made.

Proposed rule text when we are able to do rulemaking

64E-5.101 Definitions. As used in these rules, these terms have the definitions set forth below. Additional definitions used only in a certain part are defined in that respective part. (

- (151) "Total effective dose equivalent (TEDE)" means the sum of the effective ~~deep~~ dose equivalent for external exposures and the committed effective dose equivalent for internal exposures.

Proposed Change

64E-5.304 Occupational Dose Limits for Adults. ([RATS 2008-1]

(3) When the external exposure is determined by measurement with an external personal monitoring device, the deep-dose equivalent must be used in place of the effective dose equivalent, unless the effective dose equivalent is determined by a dosimetry method approved by the department. The assigned deep dose equivalent must be for the part of the body receiving the highest exposure. The assigned shallow dose equivalent must be the dose averaged over the contiguous 10 square centimeters of skin receiving the highest exposure. The deep dose equivalent, lens dose equivalent and shallow dose equivalent may be assessed from surveys or other radiation measurements to demonstrate compliance with the occupational dose limits if the individual monitoring device was not in the region of highest potential exposure or the results of individual monitoring are unavailable.

ATTACHED RULES LISTED ABOVE IN SUPPORT OF RATS 2008-1

64E-5.347 Notifications and Reports to Individuals. [RATS 2008-1]

(1) Requirements for notification and reports to individuals of exposure to radiation or radioactive material are specified in Part IX of these regulations.

(2) When a licensee or registrant is required by Rules 64E-5.345, 64E-5.346 or 64E-5.347, F.A.C., to report to the department any occupational exposure of an individual or an identified member of the public to radiation or radioactive material, the licensee or registrant shall also provide a copy of the report submitted to the department to the individual. Such notice shall be transmitted no later than the transmittal to the department, and shall comply with the provisions of Part IX.

(Title of sections listed above)

64E-5.345 Reports of Exposures, Radiation Levels, Concentrations of Radioactive Material Exceeding the Constraints or Limits, Medical Events and Dose to an Embryo/Fetus or a Nursing Child.

64E-5.346 Reports of Planned Special Exposures.

Part IX - Notices, Instructios, and Report to Workers; Inspections

64E-5.903 Notification and Reports to Individuals. [RATS 2008-1]

(1) Licensees or registrants for which personnel monitoring is required shall prepare a report as specified in this section of the radiation exposure data for each affected individual and the results of any measurements, analyses and calculations of radioactive material deposited or retained in the body of the individual. The information reported shall include data and results obtained pursuant to these regulations, orders, or license conditions, as shown in records maintained by the licensee or registrant pursuant to Part III. Each notification and report shall:

(a) Be in writing;

(b) Include appropriate identifying data such as the name of the licensee or registrant and the name of the individual;

(c) Include the individual's exposure information; and

(d) Contain the following statement: "This report is furnished to you under the provisions of the Florida Department of Health regulation entitled Chapter 64E-5, F.A.C., Control of Radiation Hazards. You should preserve this report for future reference."

(2) Each licensee or registrant for which personnel monitoring is required shall furnish each worker annually a written copy of the report specified in (1), above, of the worker's exposure to radiation or radioactive material as shown in records maintained by the licensee or registrant pursuant to Part III. The licensee or registrant shall maintain records that the report was furnished for 3 years.

(3) Each licensee or registrant shall furnish to the worker upon termination of employment a written report as specified in (1), above, of the worker's exposure to radiation received by that worker from operations of the licensee or registrant. Such report shall be furnished within 30 days from the time of termination of employment or within 30 days after the exposure of the individual has been determined by the licensee or registrant, whichever is later. The report shall cover each calendar quarter in which the worker's activities involved exposure to sources of radiation and shall include the dates and locations of work under the license or registration in which the worker participated. The licensee or registrant shall maintain records that the report was furnished for 3 years.

(4) When a licensee or registrant is required pursuant to Part III to report to the Department any exposure of an individual to radiation or radioactive material, the licensee or the registrant shall also provide the individual a report on the exposure data included therein. Such reports shall be transmitted at a time not later than the transmittal to the Department.

(5) At the request of a worker who is terminating employment in a given calendar quarter with the licensee or registrant in work involving radiation dose, or of a worker who, while employed by another person, is terminating assignment to work involving radiation dose in the licensee's or registrant's facility in that calendar quarter, each licensee or registrant shall provide to each such worker, or to the worker's designee, at termination, a written report regarding the radiation dose received by that worker from operations of the licensee or registrant during that specifically identified calendar quarter or fraction thereof, or provide a written estimate of that dose if the finally determined personnel monitoring results are not available at that time. Estimated doses shall be clearly indicated as such.