



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

May 1, 2015

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

Dear Ms. Becker:

We have reviewed the final revision to the Florida regulations, Florida Administrative Code Rules 64E-5, "Control of Radiation Hazard Regulations," received by our office on March 11, 2015. These regulations were reviewed by comparison to the equivalent U.S. Nuclear Regulatory Commission (NRC) rules 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 Stevens on April 30, 2015.

As a result of our review, we have 30 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 Nuclear Material Safety and Safeguards (NMSS) Procedure SA-200, "Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements."

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 NMSS 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 Material Safety, State, Tribal, and Rulemaking Programs, NMSS. 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 NMSS Web site: <http://nrc-stp.ornl.gov/rulemaking.html>.

C. Becker

-2-

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 Michelle Beardsley, State Regulation Review Coordinator, at (610) 337-6942 (Michelle.Beardsley@nrc.gov) or Monica Ford at (610) 337-5214 (Monica.Ford@nrc.gov).

Sincerely,

/RA/

LDimmick for PHenderson

Pamela J. Henderson, Deputy Director
Division of Material Safety, State, Tribal,
and Rulemaking Programs
Office of Nuclear Material Safety
and Safeguards

Enclosures:

1. Compatibility Comments
2. Florida SRS Data Sheet

C. Becker

-2-

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 Michelle Beardsley, State Regulation Review Coordinator, at (610) 337-6942 (Michelle.Beardsley@nrc.gov) or Monica Ford at (610) 337-5214 (Monica.Ford@nrc.gov).

Sincerely,

Pamela J. Henderson, Deputy Director
Division of Material Safety, State, Tribal,
and Rulemaking Programs
Office of Nuclear Material Safety
and Safeguards

Enclosures:

1. Compatibility Comments
2. Florida SRS Data Sheet

DISTRIBUTION: SP05
DIR RF 15-17
DJanda, RSAO
FL File

OFFICE	RI	ASPB	OGC	ASPB:BC	MSTR:DD
NAME	Via e-mail MFord	Via e-mail MBeardsley	SClark	L Dimmick for CEinberg	LDimmick PHenderson
DATE	4/14/15	4/14/15	4/29/15	5/0115	5/1/2015

ML15104A301

OFFICIAL RECORD COPY

Package ML15075A137

COMPATIBILITY COMMENTS ON FLORIDA FINAL REGULATIONS

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	64E-5.101(149)	34.3	1997-5	B	<p>Definition: Temporary jobsite</p> <p>FL's definition for temporary jobsite is not essentially identical to NRC's definition in 10 CFR 34.3. FL needs to change their definition to read "a location where radiographic operations are conducted and where licensed material may be stored other than those location(s) of use authorized on the license."</p> <p>FL needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 34.3 Definition Temporary jobsite.</p>
2	64E-5.210(4)(a)	32.51	2001-1	B	<p>Byproduct material contained in devices for use under Sec. 31.5; requirements for license to manufacture, or initially transfer</p> <p>FL needs to replace the word "distribute" with "initially transfer" and the word "distributor" with "initial transferor" in 64E-5.210(4)(a); (4)(a)3.c.(I), and (4)(a)3.c.(II).</p> <p>FL omits an equivalent regulation to 10 CFR 32.51(a)(6) from 64E-5.210(4).</p> <p>FL needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 32.51.</p>
3	64E-5.210(4)(d)	32.51a	2001-1	B	<p>Same: Conditions of licenses.</p> <p>FL omits an equivalent regulation to 10 CFR 32.51a(c) from 64E-5.210(4)(d).</p> <p>FL needs to add equivalent rule language to 10 CFR 32.51a(c) to 64E-5.210(4)(d) in order to meet the</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					Compatibility Category B designation assigned to 10 CFR 32.51(a).
4	64E-5.101(93)	20.1003	2002-2	A	<p>Definition: Occupational dose</p> <p>FL omits the phrase “from licensed and unlicensed sources of radiation” from its definition of Occupational Dose. FL needs to insert this phrase in between “exposure to radiation sources” and “whether in the...”.</p> <p>FL needs to make the above change to 64E-5.101(93) Occupational Dose, in order to meet the Compatibility Category A designation assigned to 10 CFR 20.1003 Definition Occupational dose.</p>
5	64E-5.210(10)	32.72	2002-2 2006-1 2007-3	B	<p>Manufacture, preparation, or transfer for commercial distribution of radioactive drugs containing byproduct material for medical use under Part 35</p> <p>FL needs to change the opening paragraph of 64E-5.210(10) to read “...to manufacture, prepare, or transfer for commercial distribution radiopharmaceuticals containing ...”</p> <p>FL needs to change 64E-5.210(10)(b)1. to read “The applicant is registered or licensed with the U.S. Food and Drug administration as the owner or operator of a drug establishment that engages in the manufacture, preparation, propagation, compounding, or processing of a drug under 21 CFR 207.20(a); or.”</p> <p>FL needs to remove 64E-5.210(10)(b)3. from its regulation. There is not an equivalent regulation in 10 CFR 32.72, thereby making Florida’s regulation less restrictive.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>FL omits an equivalent regulation to 10 CFR 32.72(a)(2)(iv). FL needs to add equivalent language to 64E-5.210(10).</p> <p>FL omits the wording “the radiation symbol and” between “distribution includes” and “the words” in 64E-5.210(10)(d)2.</p> <p>FL omits equivalent rule text to 10 CFR 32.72(b). FL needs to add equivalent rule text to 64E-5.210(10). [*Note FL states that 64E-5.210(10)(f) satisfies all the requirements of 30.34(j)(4) which references 32.72(b)(5) which ensures that the pharmacist is an Authorized Nuclear Pharmacist. 64E-5.210(10)(f)1. requires 64E-5.210(1)(b) is followed which requires an Authorized Nuclear Pharmacist. However, because FL does not adopt language equivalent to 10 CFR 32.72(b) which discusses not only who can use it but who can prepare it [which is not described in 64E-5.210(10)(1)(b)), adopting rule language that references it and then not being able to put in a pointer to the correct FL section or adoption of the NRC section by reference therefore means that FL does not have equivalent rule language adopted].</p> <p>FL needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 32.72.</p>
6	64E-5.210(12)	32.74	2002-2 2006-1	B	Manufacture and distribution of sources or devices containing byproduct material for medical use

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>FL needs to remove the phrase “provided, that such labeling for sources which do not require long term storage may be on a leaflet or brochure which accompanies the source” from 64E-5.210(12)(a)3.</p> <p>FL is missing an equivalent regulation to 10 CFR 32.72(a)(4) in 64E-5.210(12).</p> <p>FL needs to make the above changes to 64E-5.210(12) in order to meet the Compatibility Category B designation assigned to 10 CFR 32.74.</p>
7	64E-5.101(171)	35.2	2002-2 2006-1	B	<p>Definition: Authorized nuclear pharmacist</p> <p>FL lists an incorrect reference to their equivalent of 10 CFR 32.72(b)(4) in 64E-5.101(171)(d). FL does not adopt equivalent rule language to 10 CFR 32.72(b)(4). Once FL incorporates this language into their regulations they should list the correct reference in 64E-5.101(171).</p> <p>FL needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 35.2 Definition Authorized nuclear pharmacist.</p>
8	64E-5.6011(2)(a)	35.2	2002-2 2006-1	B	<p>Definition: Authorized user</p> <p>FL omits equivalent reference to 10 CFR 35.290(a) [64E-5.650(1)] from 64E-5.6011(2)(a).</p> <p>FL needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 35.2 Definition Authorized user.</p>
9	64E-5.101(103)	35.2	2002-2	C	<p>Definition: Prescribed dosage</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>FL needs to remove the phrase “Either in the diagnostic clinical procedures manual or” from 64E-5.101(103(b). The addition of this language makes FL’s definition less restrictive.</p> <p>FL needs to make the above change in order to meet the Compatibility Category C designation assigned to 10 CFR 35.2 Definition Prescribed dosage.</p>
10	64E-5.648	35.50	2002-2 2005-2 2006-1 2009-1	B	<p>Training for Radiation Safety Officer</p> <p>FL’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.</p> <p>FL needs to replace the language “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”.</p> <p>FL needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 35.50.</p> <p>COMMENT STANDS from NRC letter dated August 18, 2011.</p>
11	64E-5.656	35.51	2002-2 2005-2 2006-1 2009-1	B	<p>Training for an authorized medical physicist</p> <p>FL’s regulation allows the option for the</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>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.</p> <p>FL 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”.</p> <p>FL needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 35.51.</p> <p>COMMENT STANDS from NRC letter dated August 18, 2011.</p>
12	64E-5.659	35.55	2002-2 2005-2	B	<p>Training for an authorized nuclear pharmacist</p> <p>FL’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.</p> <p>FL needs to replace the language “have demonstrated the ability to function</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>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”.</p> <p>FL needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 35.55.</p> <p>COMMENT STANDS from NRC letter dated August 18, 2011.</p>
13	64E-5.649	35.190	2002-2 2005-2 2006-1 2009-1	B	<p>Training for uptake, dilution and excretion studies</p> <p>FL’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.</p> <p>FL 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 independently as an authorized user for the medical uses”.</p> <p>FL needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 35.190.</p> <p>COMMENT STANDS from NRC letter</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					dated August 18, 2011.
14	64E-5.650	35.290	2002-2 2005-2 2006-1 2009-1	B	<p>Training for imaging and localization studies</p> <p>FL'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.</p> <p>FL 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 ..."</p> <p>FL needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 35.290.</p> <p>COMMENT STANDS from NRC letter dated August 18, 2011.</p>
15	64E-5.660	35.390	2002-2 2005-2 2006-1 2009-1	B	<p>Training for use of unsealed byproduct material for which a written directive is required</p> <p>FL'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</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>deleted.</p> <p>FL 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 ...”</p> <p>FL needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 35.390.</p> <p>COMMENT STANDS from NRC letter dated August 18, 2011.</p>
16	64E-5.661	35.392	2002-2 2005-2 2006-1 2009-1	B	<p>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)</p> <p>FL’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 35.392(c)(3). This option needs to be deleted.</p> <p>FL 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 ...”</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>FL needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 35.392.</p> <p>COMMENT STANDS from NRC letter dated August 18, 2011.</p>
17	64E-5.662	35.394	2002-2 2005-2 2006-1 2009-1	B	<p>Training for the oral administration of sodium iodide I-131 requiring a written directive in quantities greater than 1.22 Gigabecquerels (33 millicuries)</p> <p>FL'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.</p> <p>FL 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 ..."</p> <p>FL needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 35.394.</p> <p>COMMENT STANDS from NRC letter dated August 18, 2011.</p>
18	64E-5.652	35.490	2002-2 2005-2	B	<p>Training for use of manual brachytherapy sources</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
			2006-1 2009-1		<p>FL'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.</p> <p>FL 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 ..."</p> <p>FL needs to make the above changes in order to meet the Compatibility Category B designation assigned to 35.490.</p> <p>COMMENT STANDS from NRC letter dated August 18, 2011.</p>
19	64E-5.653	35.491	2002-2 2005-2 2006-1 2009-1	B	<p>Training for ophthalmic use of strontium-90</p> <p>FL'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.</p> <p>FL needs to replace the language "have demonstrated the ability to function</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>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 ...”</p> <p>FL needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 35.491.</p> <p>COMMENT STANDS from NRC letter dated August 18, 2011.</p>
20	64E-5.636	35.610	2002-2	H&S	<p>Safety procedures and instructions for remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units</p> <p>FL lists an incorrect reference in 64E-5.636(3)(a). 64E-5.636(3)(a) should read “The location of the procedures required by paragraph (1)(d) of this section; and.”</p> <p>FL needs to make the above change in order to meet the Compatibility Category H&S designation assigned to 10 CFR 35.610.</p>
21	64E-5.6411	35.633	2002-2	H&S	<p>Full calibration measurements on remote afterloader units</p> <p>FL lists an incorrect reference in 64E-5.6411(8). 64E-5.6411(8) should read “For low dose rate remote afterloader units, a licensee may use measurements provided by the source manufacturer that are made in accordance with subsections 64E-5.6411(1)-(4) and (7), F.A.C.”</p> <p>FL needs to make the above change in order to meet the Compatibility Category H&S designation assigned to</p>

STATE SECTION	NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
22	64E-5.655	35.690	2002-2 2005-2 2006-1 2009-1	<p data-bbox="1055 289 1266 319">10 CFR 35.633.</p> <p data-bbox="1055 325 1550 457">Training for use of remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units.</p> <p data-bbox="1055 493 1567 823">FL'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.</p> <p data-bbox="1055 861 1575 1123">FL 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 ..."</p> <p data-bbox="1055 1161 1559 1291">FL needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 35.690.</p> <p data-bbox="1055 1329 1567 1396">COMMENT STANDS from NRC letter dated August 18, 2011.</p>
23	64E-5.663	35.396	2005-2 2006-1 2009-1	<p data-bbox="1055 1402 1485 1533">Training for the parenteral administration of unsealed byproduct material requiring a written directive.</p> <p data-bbox="1055 1570 1567 1759">FL'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</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>preceptor authorized user who meets the requirements specified in 10 CFR 35.396(d)(3). This option needs to be deleted.</p> <p>FL 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 ...”</p> <p>FL needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 35.396.</p> <p>COMMENT STANDS from NRC letter dated August 18, 2011.</p>
24	64E-5.203	30.14	2007-2	B	<p>Exempt Concentrations</p> <p>FL omits an equivalent regulation to 10 CFR 30.14(b).</p> <p>FL needs to adopt an equivalent regulation to 10 CFR 30.14(b) in 64E-5.203 in order to meet the Compatibility Category B designation assigned to 10 CFR 30.14.</p>
25	64E-5.203(2)	30.18	2007-2 2007-3	B	<p>Exempt quantities</p> <p>FL omits the wording “or transfer of byproduct material” between “purposes of commercial distribution” and “or the incorporation of” in 64E-5.203(2)(b).</p> <p>FL needs to remove “or provided that no person shall at any one time possess or use, pursuant to the general license provisions of this section, more than a total of ten such quantities” from 64E-5.203(2)(e).</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					FL needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 30.18.
26	64E-5.203(3)(c)	30.20(a)	2007-3	B	<p>Gas and aerosol detectors containing byproduct material</p> <p>FL needs to remove the word “imported” from 64E-5.203(3)(c)1.</p> <p>FL needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 30.20(a).</p>
27	64E-5.210(10)(f)	30.32(j)	2007-3	B	<p>Application for specific licenses</p> <p>FL omits regulations equivalent to 10 CFR 30.32(j)(1) and (j)(3).</p> <p>FL needs to add rule text equivalent to 10 CFR 30.32(j)(1) and (j)(3) to 64E-5.210(10)(f) in order to meet the Compatibility Category B designation assigned to 10 CFR 30.32(j).</p>
28	64E-5.210(10)(f)	30.34(j)	2007-3	B	<p>Terms and conditions of licenses</p> <p>FL omits rule text equivalent to 10 CFR 30.34(j)(1), (3), and (4) from 64E-5.201(10)(f).</p> <p>FL needs to add equivalent rule text to 64E-5.210(10)(f) in order to meet the Compatibility Category B designation assigned to 10 CFR 30.34(j).</p>
29	Part III Schedule B	30.71	2007-3	B	<p>Schedule B</p> <p>FL lists “Any alpha emitting radioactive material not listed above other than transuranic radioactive material – 0.01 microcuries.” This line item is not included in 10 CFR 30.71 Schedule B and should be removed.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					FL needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 30.71.
30	64E-5.210(8)(f)	32.71	2007-3	B	<p>Manufacture and distribution of byproduct material for certain in vitro clinical or laboratory testing under general license</p> <p>FL needs to remove 64E-5.210(8)(f) from its regulations. This regulation makes FL's equivalent to 10 CFR 32.71 more restrictive.</p> <p>FL needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 32.71.</p>

STATE REGULATION STATUS

State: Florida

Tracking Ticket Number: 15-17

Date: 05/01/2015

[10 amendment(s) reviewed identified by a * at the beginning of the equivalent NRC requirement.]

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	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.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
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	
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 not required 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.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
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 (Superceded by 1997-5)	06/30/1998	Final	No Comments 11/08/2000	Florida has adopted Final Regulations equivalent to RATS ID: 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	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
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 (Superseded 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 (Superseded 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	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
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	
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 (Superseded 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 Final ML15075A145	No Comments 11/08/2010 ML102780120 Comment 05/01/2015 ML15075A137	
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	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
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 (Superseded 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)
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, 32, 35, 36, 39 63 FR 39477; 63 FR 45393	10/26/2001	Final ML010250079	No Comments 02/08/2001 ML010430124	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
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	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
*2001-1	Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material Parts 30, 31, 32 65 FR 79162	02/16/2004	Final ML080780044 Revised Final ML15075A145	Comments 04/09/2008 ML080990829 Comments 05/01/2015 ML15075A137	
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	iiR ML111580543 Revised Final ML15075A145	Comments 08/18/2011 ML111880943 Comments 05/01/2015 ML15075A137	
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	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
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	² R ML111580543 Revised Final ML15075A145	Comments 08/18/2011 ML111880943 Comments 05/01/2015 ML15075A137	
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	² R ML111580543 Revised Final ML15075A145	Comments 08/18/2011 ML111880943 Comments 05/01/2015 ML15075A137	
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	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
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	Proposed ML111580543 Final ML15075A145	Comments 08/18/2011 ML111880943 Comments 05/01/2015 ML15075A137	
*2007-3	Requirements for Expanded Definition of Byproduct Material Parts 20, 30, 31, 32, 33, 35, 61, 150 72 FR 55864	11/30/2010	Proposed ML111580543 Final ML15075A145	Comments 08/18/2011 ML111880943 Comments 05/01/2015 ML15075A137	
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	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
*2008-1	Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent Parts 19, 20 72 FR 68043	01/03/2011	Proposed ML110910009 License Condition ML110910009 Final ML15075A145	No Comments 05/19/2011 ML111101478 No Comments 05/19/2011 ML111101478 No Comments 05/01/2015 ML15075A137	
*2009-1	Medical Use of Byproduct Material – Authorized User Clarification Part 35 74 FR 33901	09/28/2012	² R ML111580543 Revised Final ML15075A145	Comments 08/18/2011 ML111880943 Comments 05/01/2015 ML15075A137	
2011-1	Decommissioning Planning Parts 20, 30, 40, 70 76 FR 35512	12/17/2015			
2011-2	Licenses, Certifications, and Approvals for Materials Licensees Parts 30, 36, 39, 40, 70, and 150 76 FR 56951	11/14/2014	Final ML15028A104	No Comments 03/06/2015 ML15028A080	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
*2012-1	Change of Compatibility of 10 CFR 31.5 and 31.6 (See RATS ID: 2001-1 for Rule text) 77 FR 3640	01/25/2015	Final ML15028A104 Revised Final ML15075A145	Comments 03/06/2015 ML15028A080 No Comments 05/01/2015 ML15075A137	
2012-2	Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste Part 71 77 FR 34194	08/10/2015			
2012-3	Technical Corrections Part 30, 34, 40 and 71 77 FR 39899	08/06/2015			
2012-4	Requirements for Distribution of Byproduct Material Parts 30, 31, 32, 40 and 70 77 FR 43666	10/23/2015			
2013-1	Physical Protection of Byproduct Material, 10 CFR Parts 20, 30, 32, 33, 34, 35, 36, 37, 39, and 71 78 FR 16922	03/19/2016			
2013-2	Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions, 10 CFR Parts 30, 40, and 70 78 FR 32310	08/27/2016			

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2015-1	Domestic Licensing of Special Nuclear Material – Written Reports and Clarifying Amendments Part 70 79 FR 57721, 80 FR 143	01/26/2018			
2015-2	Safeguards Information - Modified Handling Categorization, Change for Materials Facilities Parts 30, 37, 73, and 150 79 FR 58664, 80 FR 3865	01/28/2018			

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

ⁱⁱ R stands for revisions to final rule