

Mission:
To protect, promote & improve the health
of all people in Florida through integrated
state, county & community efforts.



Rick Scott
Governor

John H. Armstrong, MD, FACS
State Surgeon General & Secretary

Vision: To be the Healthiest State in the Nation

September 30, 2015

Pamela J. Henderson, Deputy Director
Division of Materials Safety, State,
Tribal, and Rulemaking Programs (MSTR)
Sent only via e-mail to AgreementStateRegs.Resource@NRC.gov

Dear Ms. Henderson:

Please find enclosed Florida's proposed License Condition to address implementation of 10 Code of Federal Regulation (CFR) Part 37 "Physical Protection of Byproduct Material." The legally binding requirements correspond to the following equivalent amendments to NRC's regulations.

Rats ID	Title	State Section
2013-1	10 CFR Part 37 "Physical Protection of Byproduct Material"	License Condition

We have included language indicating when this condition will become effective and at that time the condition will supersede any previous Increased Control requirements. In amendments after the effective date we plan on removing this introductory sentence (red text) and deleting any Increased Control requirements from the license.

Please contact me if you have any questions or need further clarification. My phone number is (850) 245-4043 or you may reach me by e-mail at Mike.Stephens@FLHealth.gov.

Sincerely,

Michael N. Stephens
Environmental Program Health Consultant
Bureau of Radiation Control

MNS

cc: Cindy Becker, Chief Bureau of Radiation Control
Charles Hamilton, Administrator Radioactive Materials Section
Michelle Beardsley, State Regulation Review Coordinator
Health Physicist, Agreement State Branch, MSTR, NMSS
(Michelle.Beardsley@nrc.gov)
Donna Janda Regional State Agreements Officer (RSAO)
NRC Region 2 (Donna.Janda@nrc.gov)

Enclosure:
FL Part 37 Proposed License Condition

@@. This condition becomes effective after February 29, 2016 at which time it will supersede the requirements of documents titled "Bureau of Radiation Control – Increased Security Controls Requirements - October 14, 2005", and its attachments, "Increased Controls for Licensees that Possess Sources Containing Radioactive Material Quantities of Concern", "Table 1: Radionuclides of Concern", "NRC Order EA-07-305 (the Order) dated December 5, 2007, and its attachments", and "Attachment 3 Specific Requirements Pertaining to Fingerprinting and Criminal Records Checks." The licensee shall comply with title 10 Code of Federal Regulations, Part 37 except as follows:

- A. Sections 37.1, 37.3, 37.7, 37.9, 37.11(a-b), 37.13, 37.43(d)(9), 37.77(f), 37.105, 37.107, and 37.109 are excluded.
- B. Any reference to the Commission or NRC shall be deemed to be a reference to the Florida Department of Health, except:
 - 1. 37.5 Definitions: *Agreement State, Byproduct material, Commission, fingerprint orders, person,*
 - 2. 37.25(b),
 - 3. 37.27(a) and (c),
 - 4. 37.29(a),
 - 5. 37.71 referring to NRC's license verification system,
 - 6. 37.71 "license of the Commission or an Agreement State" shall be deemed to be a reference to "licensee of the Florida Department of Health, NRC or Agreement State."
- C. In lieu of the address given in 37.27(c), licensee shall submit finger print cards or records to Director, Division of Facilities and Security, U.S. NRC, 11545 Rockville Pike, Rockville, Maryland 20852-2738, ATTN: Criminal History Program, Mail Stop T-03B46M.
- D. Reference in Part 37 to the following NRC regulation shall be deemed a reference to the identified section(s) in Chapter 64E-5, Florida Administrative Code:

NRC Regulation (10 CFR)	64E-5, F.A.C.
30.41(d)	64E-5.215(4)

- E.
 - 1. Licensee required reports of events or notifications in 37.41 or 37.45 shall use Department of Health, Bureau of Radiation Control, 4052 Bald Cypress Way, Bin #C21, Tallahassee FL, 32399-1741 or overnight address 4042 Bald Cypress Way, Room 220.01, Tallahassee, FL, 32399-1749; telephone (850) 245-4545.
 - 2. Licensee required reports of events or notifications in 37.57, 37.77(a)-(d), 37.81, shall use Department of Health, Bureau of Radiation Control, P.O. Box 680069, Orlando, FL 32868 or overnight address 2044 All Children's Way, Orlando, FL 32818; telephone (407) 297-2095.

- @@. 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:
- 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. The licensee shall comply with the requirements described in the document titled Bureau of Radiation Control – Increased Security Controls Requirements - October 14, 2005, and its attachments, which are incorporated by reference, titled "Increased Controls for Licensees that Possess Sources Containing Radioactive Material Quantities of Concern" and "Table 1: Radionuclides of Concern."
- D. The licensee shall comply with the requirements described in NRC Order EA-07-305 (the Order) dated December 5, 2007, and its attachments which are incorporated by reference, titled "Table1 Radionuclides of Concern and Attachment 3 Specific Requirements Pertaining to Fingerprinting and Criminal Records Checks." The licensee shall complete implementation of EA-07-305 by the first day that radionuclides in quantities of concern are possessed at or above the limits specified in "Table 1: Radionuclides of Concern" contained within the Order. The licensee shall notify the Florida Department of Health -Bureau of Radiation Control – Radioactive Materials Section when they have achieved full compliance with the requirements described in the Order. The notification shall be made in writing within twenty-five (25) days after full compliance has been achieved. This notification shall include a certification that the Trustworthiness and Reliability (T&R) Official (and any subsequent T&R Official) is themselves deemed trustworthy and reliable by the Licensee as required in B.2. of the Order. The licensees shall notify the NRC's Headquarters Operations Office at 301-816-5100 and Florida Bureau of Radiation Control at 407-297-2095 within 24 hours if the results from a criminal history records check indicate that an individual is identified on the FBI's Terrorist Screening Data Base.