

Mission:

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



Ron DeSantis
Governor

Joseph A. Ladapo, MD, PhD
State Surgeon General

Vision: To be the Healthiest State in the Nation

June 23, 2023

Theresa V. Clark, Deputy Director
Division Material Safety, State, Tribal,
and Rulemaking Programs
Office of Nuclear Material Safety
And Safeguards
U.S. Nuclear Regulatory Commission
T8-E18
Washington, D.C. 20555-0001
Sent via email only to Theresa.Clark@NRC.gov and
AgreementStateReqs.Resource@NRC.gov

Dear Ms. Clark ,

Enclosed is a copy of the final revisions to the Florida Control of Radiation Hazard Regulation Chapter 64E-5, Florida Administrative Code (FAC), current 10 CFR Part 37 license condition, proposed medical and 10 CFR Part 71 license conditions. The final regulations and license conditions are identified by line-in/line-out text (or similar identification in comments) and correspond to the following equivalent amendments to NRC's regulations.

Rats ID	Rats Title	Florida Regulations
2015-3	Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements; Including Corrections 10 CFR Part 71	Part 71 License Condition (Proposed Attached)
2018-2	Miscellaneous Corrections - Organizational Changes, 10 CFR Parts 37, 40, 70, and 71	64E-5.201 attached 64E-5.213 attached Part 37 License Condition (Current NRC approved) Part 71 License Condition (Proposed Attached)
2018-3	Miscellaneous Corrections to 10 CFR Parts 1, 2, 34, 37, 50, 71, 73, and 140	64E-5.441(4) attached Part 37 License Condition (Current NRC approved) Part 71 License Condition (Proposed Attached)
2019-1	Miscellaneous Corrections to 10 CFR PARTS 2, 21, 37, 50, 52, 73, and 110	Part 37 License Condition (Current NRC approved)

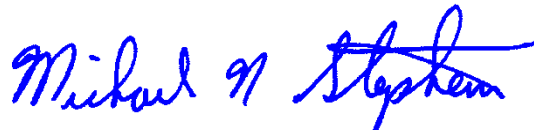
Rats ID	Rats Title	Florida Regulations
2019-2	Organizational Changes and Conforming Amendments to 10 CFR Parts 1, 2, 37, 40, 50, 51, 52, 55, 71, 72, 73, 74, 100, 140, and 150	Part 71 License Condition (Proposed enclosed)
2020-1	Individual Monitoring Devices 10 CFR Parts 34, 36, and 39	Multiple See enclosed
2020-2	Social Security Number Fraud Prevention 10 CFR Parts 9 and 35	Multiple See enclosed
2020-3	Miscellaneous Corrections 10 CFR Parts 1, 2, 19, 20, 21, 30, 34, 35, 40, 50, 51, 52, 60, 61, 62, 63, 70, 71, 72, 73, 74, 75, 76, 110, and 140	64E-5.441(4) enclosed Medical License Condition (Proposed enclosed) Part 71 License Condition (Proposed enclosed)

The following are issues that we would like to bring to NRC attention:

1. The proposed 2020-3 medical license condition is only intended to address the changes in rule text required in the RATS 2020-3.
2. The proposed Transportation license condition is intended supersede the existing Florida rules listed that are required by NRC 10 CFR Part 71 and to clarify that only NRC may issue package Certificates of Compliance.

We believe that our current regulations and license conditions in this submittal satisfies the compatibility and health and safety categories established in the Office of Nuclear Material Safety and Safeguards (NMSS) Procedure SA-200.

Sincerely,



Environmental Health Program Consultant
Bureau of Radiation Control
Radioactive Materials Section

Enclosures: As stated

cc: Kevin Kunder, Administrator Radioactive Materials Section,
Bureau of Radiation Control Kevin.Kunder@flhealth.gov
Clark Eldredge, Interim Chief,
Bureau of Radiation Control Clark.Eldredge@flhealth.gov

Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements; Including Corrections 10 CFR Part 71 ([80 FR 33987, Published June 12, 2015](#) and [80 FR 48683, Published August 14, 2015](#)) RATS ID: 2015-3 Effective Date: July 13, 2015 Date Due for State Adoption: July 13, 2018

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
§ 71.0(d)(1) Revised	Purpose and Scope		D	In § 71.0, paragraph (d)(1), remove the reference “§§ 71.20 through 71.23” and add, in its place, the reference “§§ 71.21 through 71.23”.			
§ 71.4 New	Definition: Contamination	See Proposed Part 71 LC	[B]	In § 71.4, add the definition of “contamination” to read as follows: <i>Contamination</i> means the presence of a radioactive substance on a surface in quantities in excess of 0.4 Bq/cm ² (1x10 ⁻⁵ µCi/cm ²) for beta and gamma emitters and low toxicity alpha emitters, or 0.04 Bq/cm ² (1x10 ⁻⁶ µCi/cm ²) for all other alpha emitters. (1) <i>Fixed contamination</i> means contamination that cannot be removed from a surface during normal conditions of transport. (2) <i>Non-fixed contamination</i> means contamination that can be removed from a surface during normal conditions of transport.	N	N	License Condition
§ 71.4 Revised	Definition: Criticality Safety Index (CSI)	See Proposed Part 71 LC	[B]	In § 71.4, revise the definition of “Criticality Safety Index (CSI)” to read as follows: <i>Criticality Safety Index (CSI)</i>	N	N	License Condition

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
				means the dimensionless number (rounded up to the next tenth) assigned to and placed on the label of a fissile material package, to designate the degree of control of accumulation of packages, overpacks or freight containers containing fissile material during transportation. Determination of the criticality safety index is described in §§ 71.22, 71.23, and 71.59. The criticality safety index for an overpack, freight container, consignment or conveyance containing fissile material packages is the arithmetic sum of the criticality safety indices of all the fissile material packages contained within the overpack, freight container, consignment or conveyance.			
§ 71.4 Revised	Definition: Low Specific Activity (LSA) material	See Proposed Part 71 LC	[B]	In § 71.4, revise the definition of “Low Specific Activity (LSA) material” to read as follows: <i>Low Specific Activity (LSA) material</i> means radioactive material with limited specific activity which is nonfissile or is excepted under § 71.15, and which satisfies the descriptions and limits set forth	N	N	License Condition

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
				<p>in the following section. Shielding materials surrounding the LSA material may not be considered in determining the estimated average specific activity of the package contents. The LSA material must be in one of three groups: (1) LSA-I. (i) Uranium and thorium ores, concentrates of uranium and thorium ores, and other ores containing naturally occurring radionuclides that are intended to be processed for the use of these radionuclides; (ii) Natural uranium, depleted uranium, natural thorium or their compounds or mixtures, provided they are unirradiated and in solid or liquid form; (iii) Radioactive material other than fissile material, for which the A_2 value is unlimited; or (iv) Other radioactive material in which the activity is distributed throughout and the estimated average specific activity does not exceed 30 times the value for exempt material activity concentration determined in accordance with appendix A. (2) LSA-II. (i) Water with tritium concentration up to 0.8 TBq/liter (20.0 Ci/liter); or (ii)</p>			

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				<p>Other radioactive material in which the activity is distributed throughout and the estimated average specific activity does not exceed $10^{-4} A_2/g$ for solids and gases, and $10^{-5} A_2/g$ for liquids. (3) LSA-III. Solids (e.g., consolidated wastes, activated materials), excluding powders, that satisfy the requirements of § 71.77, in which: (i) The radioactive material is distributed throughout a solid or a collection of solid objects, or is essentially uniformly distributed in a solid compact binding agent (such as concrete, bitumen, ceramic, etc.); (ii) The radioactive material is relatively insoluble, or it is intrinsically contained in a relatively insoluble material, so that even under loss of packaging, the loss of radioactive material per package by leaching when placed in water for 7 days will not exceed $0.1 A_2$; and (iii) The estimated average specific activity of the solid, excluding any shielding material, does not exceed $2 \times 10^{-3} A_2/g$.</p>			

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
§ 71.4 Revised	Definition: Special form radioactive material	See Proposed Part 71 LC	[B]	<p>In § 71.4, revise the definition of “Special form radioactive material” to read as follows:</p> <p><i>Special form radioactive material</i> means radioactive material that satisfies the following conditions: (1) It is either a single solid piece or is contained in a sealed capsule that can be opened only by destroying the capsule; (2) The piece or capsule has at least one dimension not less than 5 mm (0.2 in); and (3) It satisfies the requirements of §71.75. A special form encapsulation designed in accordance with the requirements of § 71.4 in effect on June 30, 1983 (see 10 CFR part 71, revised as of January 1, 1983), and constructed before July 1, 1985; a special form encapsulation designed in accordance with the requirements of § 71.4 in effect on March 31, 1996 (see 10 CFR part 71, revised as of January 1, 1996), and constructed before April 1, 1998; and special form material that was successfully tested before September 10, 2015 in accordance with the</p>	N	N	License Condition

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
				requirements of § 71.75(d) of this section in effect before September 10, 2015 may continue to be used. Any other special form encapsulation must meet the specifications of this definition.			
§ 71.4 Revised	Definition: Uranium – natural, depleted, enriched	See Proposed Part 71 LC	[B]	In § 71.4, revise the definition of “Uranium—natural, depleted, enriched” to read as follows: <i>Uranium – natural, depleted, enriched.</i> (1) Natural uranium means uranium (which may be chemically separated) with the naturally occurring distribution of uranium isotopes (approximately 0.711 weight percent uranium-235 and the remainder by weight essentially uranium-238). (2) Depleted uranium means uranium containing less uranium-235 than the naturally occurring distribution of uranium isotopes. (3) Enriched uranium means uranium containing more uranium-235 than the naturally occurring distribution of uranium isotopes.	N	N	License Condition
§ 71.6 Revised	Information Collection		D	In § 71.6, revise paragraph (b) to read as follows: (b) The approved information collection			

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	Requirements: OMB Approval			requirements contained in this part appear in §§ 71.5, 71.7, 71.9, 71.12, 71.17, 71.19, 71.22, 71.23, 71.31, 71.33, 71.35, 71.37, 71.38, 71.39, 71.41, 71.47, 71.85, 71.87, 71.89, 71.91, 71.93, 71.95, 71.97, 71.101, 71.103, 71.105, 71.106, 71.107, 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123, 71.125, 71.127, 71.129, 71.131, 71.133, 71.135, 71.137, and appendix A, paragraph II.			
§ 71.14(a)(1) – (a)(3) Revised, New	Exemption for low-level materials	See Proposed Part 71 LC	[B]	In § 71.14, revise paragraphs (a)(1) and (2), and add paragraph (a)(3) to read as follows: (a) * * * (1) Natural material and ores containing naturally occurring radionuclides that are either in their natural state, or have only been processed for purposes other than for the extraction of the radionuclides, and which are not intended to be processed for the use of these radionuclides, provided the activity concentration of the material does not exceed 10 times the applicable radionuclide activity concentration values specified in appendix A, Table A-2, or Table A-3 of this part. (2) Materials for	N	N	License Condition

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
				<p>which the activity concentration is not greater than the activity concentration values specified in appendix A, Table A-2, or Table A-3 of this part, or for which the consignment activity is not greater than the limit for an exempt consignment found in appendix A, Table A-2, or Table A-3 of this part. (3) Non-radioactive solid objects with radioactive substances present on any surfaces in quantities not in excess of the levels cited in the definition of contamination in § 71.4.</p>			
§ 71.15(d) Revised	Exemption from classification as fissile material	See Proposed Part 71 LC	[B]	<p>In § 71.15, revise paragraph (d) to read as follows: (d) Uranium enriched in uranium-235 to a maximum of 1 percent by weight, and with total plutonium and uranium-233 content of up to 1 percent of the mass of uranium-235, provided that the mass of any beryllium, graphite, and hydrogenous material enriched in deuterium constitutes less than 5 percent of the uranium mass, and that the fissile material is distributed homogeneously and does not form a lattice arrangement within the package.</p>	N	N	License Condition

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
§ 71.17 Revised, Removal of Brackets on Compatibility Category.	General license: NRC approved package	See Proposed Part 71 LC	B Note: The Compatibility Category for §71.17 has changed from [B] to B.	<p>The Compatibility Category for all of § 71.17 has changed from [B] to B signifying that Agreement States should ensure that they have regulations compatible with this section that are collocated with their transportation regulations. In § 71.17, revise paragraph (c) to read as follows: (a) A general license is issued to any licensee of the Commission to transport, or to deliver to a carrier for transport, licensed material in a package for which a license, certificate of compliance (CoC), or other approval has been issued by the NRC. (b) This general license applies only to a licensee who has a quality assurance program approved by the Commission as satisfying the provisions of subpart H of this part. (c) Each licensee issued a general license under paragraph (a) of this section shall— (1) Maintain a copy of the Certificate of Compliance, or other approval of the package, and the drawings and other documents referenced in the approval relating to the</p>	N	N	License Condition

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
				<p>use and maintenance of the packaging and to the actions to be taken before shipment; (2) Comply with the terms and conditions of the license, certificate, or other approval, as applicable, and the applicable requirements of subparts A, G, and H of this part; and (3) Submit in writing before the first use of the package to: ATTN: Document Control Desk, Director, Division of Spent Fuel Storage and Transportation, Office of Nuclear Material Safety and Safeguards, using an appropriate method listed in § 71.1(a), the licensee's name and license number and the package identification number specified in the package approval. (d) This general license applies only when the package approval authorizes use of the package under this general license. (e) For a Type B or fissile material package, the design of which was approved by NRC before April 1, 1996, the general license is subject to the additional restrictions of § 71.19.</p>			

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§ 71.19 Revised	Previously approved package		NRC	<p>In § 71.19, redesignate paragraphs (b) through (e) as paragraphs (a) through (d), and revise newly redesignated paragraph (b)(2) to read as follows: (b) * * *</p> <p>(2) A package used for a shipment to a location outside the United States is subject to multilateral approval as defined in the DOT's regulations at 49 CFR 173.403.</p>			
§ 71.21 Revised, Removal of Brackets on Compatibility Category	General license: Use of foreign approved package	See Proposed Part 71 LC	B Note: The Compatibility Category for §71.21 has changed from [B] to B.	<p>The Compatibility Category for all of § 71.21 has changed from [B] to B signifying that Agreement States should ensure that they have regulations compatible with this section that are collocated with their transportation regulations. In § 71.21, revise paragraphs (a) and (d) to read as follows: (a)</p> <p>A general license is issued to any licensee of the Commission to transport, or to deliver to a carrier for transport, licensed material in a package, the design of which has been approved in a foreign national competent authority certificate, that has been revalidated by the DOT as meeting the applicable</p>	N	N	License Condition

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
				<p>requirements of 49 CFR 171.23. (b) Except as otherwise provided in this section, the general license applies only to a licensee who has a quality assurance program approved by the Commission as satisfying the applicable provisions of subpart H of this part. (c) This general license applies only to shipments made to or from locations outside the United States. (d) Each licensee issued a general license under paragraph (a) of this section shall— (1) Maintain a copy of the applicable certificate, the revalidation, and the drawings and other documents referenced in the certificate, relating to the use and maintenance of the packaging and to the actions to be taken before shipment; and (2) Comply with the terms and conditions of the certificate and revalidation, and with the applicable requirements of subparts A, G, and H of this part.</p>			
§ 71.31(b) Revised	Contents of application		NRC	<p>In § 71.31, paragraph (b), remove the reference “§ 71.13” and add, in its place, the reference “§ 71.19.”</p>			

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
§ 71.38 Retitled, Revised	Renewal of a certificate of compliance		NRC	<p>Revise § 71.38 to read as follows: § 71.38 Renewal of a certificate of compliance. (a) Except as provided in paragraph (b) of this section, each Certificate of Compliance expires at the end of the day, in the month and year stated in the approval. (b) In any case in which a person, not less than 30 days before the expiration of an existing Certificate of Compliance issued pursuant to the part, has filed an application in proper form for renewal, the existing Certificate of Compliance for which the renewal application was filed shall not be deemed to have expired until final action on the application for renewal has been taken by the Commission. (c) In applying for renewal of an existing Certificate of Compliance, an applicant may be required to submit a consolidated application that is comprised of as few documents as possible. The consolidated application should incorporate all changes to its certificate, including changes that are</p>			

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
				incorporated by reference in the existing certificate.			
§ 71.70 New	Incorporations by reference		NRC	<p>Add § 71.70 to subpart F to read as follows: § 71.70 Incorporations by reference. (a) The materials listed in this section are incorporated by reference in the corresponding sections noted and made a part of the regulations in part 71. These incorporations by reference were approved by the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of the approval. A notice of any changes made to the material incorporated by reference will be published in the Federal Register, and the material must be available to the public. The materials can be examined, by appointment, at the NRC's Technical Library, which is located at Two White Flint North, 11545 Rockville Pike, Rockville, Maryland 20852; telephone: 301-415-7000; email: <i>Library.Resource@nrc.gov</i>. The materials are also available from the sources listed below. All</p>			

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				<p>approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 1-202-741-6030 or go to http://www.archives.gov/federal-register/cfr/ibr-locations.html. (b) International Organization for Standardization, ISO Central Secretariat, Chemin de Blandonnet 8 CP 401, 1214 Vernier, Geneva, Switzerland; email: central@iso.org; phone: +41 22 749 01 11; Web site: http://www.iso.org. (1) ISO 9978:1992(E), "Radiation protection—Sealed radioactive sources—Leakage test methods," First Edition (February 15, 1992), incorporation by reference approved for § 71.75(a), is available for purchase from the American National Standards Institute, 25 West 43rd Street, 4th Floor, New York, NY 10036, 212-642-4900, http://www.ansi.org, or info@ansi.org. (2) ISO 2919:1999(E), "Radiation protection—Sealed radioactive</p>			

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
				sources—General requirements and classification,” Second Edition (February 15, 1999), incorporation by reference approved for § 71.75(d), is available on http://www.amazon.com .			
§ 71.75 Revised	Qualification of special form radioactive material		NRC	<p>In § 71.75, revise paragraphs (a)(5), (b)(2)(ii), (b)(2)(iii), (d)(1), and (d)(2) to read as follows: (a) * * *</p> <p>(5) A specimen that comprises or simulates radioactive material contained in a sealed capsule need not be subjected to the leaktightness procedure specified in this section, provided it is alternatively subjected to any of the tests prescribed in ISO 9978:1992(E), “Radiation protection—Sealed radioactive sources—Leakage test methods” (incorporated by reference, see § 71.70). (b) * * *</p> <p>* (2) * *</p> <p>* (ii) The flat face of the billet must be 25 millimeters (mm) (1 inch) in diameter with the edge rounded off to a radius of 3 mm ± 0.3 mm (0.12 in ± 0.012 in); (iii) The lead must be hardness number 3.5 to 4.5 on the Vickers scale and not more</p>			

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				<p>than 25 mm (1 inch) thick, and must cover an area greater than that covered by the specimen; *</p> <p style="text-align: center;">* * * *</p> <p>(d) * * * (1) The impact test and the percussion test of this section, provided that the specimen is: (i) Less than 200 grams and alternatively subjected to the Class 4 impact test prescribed in ISO 2919:1999(E), "Radiation protection—Sealed radioactive sources—General requirements and classification" (incorporated by reference, see § 71.70); or (ii) Less than 500 grams and alternatively subjected to the Class 5 impact test prescribed in ISO 2919:1999(E), "Radioactive protection—Sealed radioactive sources—General requirements and classification" (incorporated by reference, see § 71.70); and (2) The heat test of this section, provided the specimen is alternatively subjected to the Class 6 temperature test specified in ISO 2919:1999(E), "Radioactive protection—Sealed radioactive sources—General requirements and classification"</p>			

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
				(incorporated by reference, see § 71.70).			
§71.85(a) – (c) Revised, Compatibility Change	Preliminary determinations	See Proposed Part 71 LC	NRC Note: The Compatibility Category for §71.85(a) – (c) has changed from [B] to NRC.	In § 71.85, revise paragraphs (a), (b), and (c) to read as follows: (a) The certificate holder shall ascertain that there are no cracks, pinholes, uncontrolled voids, or other defects that could significantly reduce the effectiveness of the packaging; (b) Where the maximum normal operating pressure will exceed 35 kPa (5 lbf/in ²) gauge, the certificate holder shall test the containment system at an internal pressure at least 50 percent higher than the maximum normal operating pressure, to verify the capability of that system to maintain its structural integrity at that pressure; (c) The certificate holder shall conspicuously and durably mark the packaging with its model number, serial number, gross weight, and a package identification number assigned by the NRC. Before applying the model number, the certificate holder shall determine that the packaging has been fabricated in accordance with	N	N	License Condition

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
				the design approved by the Commission; and			
§ 71.85(d) New	Preliminary determinations	See Proposed Part 71 LC	B	In § 71.85, add paragraph (d) to read as follows: (d) The licensee shall ascertain that the determinations in paragraphs (a) through (c) of this section have been made.	N	N	License Condition
§ 71.91(a) Revised, Compatibility Change	Records	See Proposed Part 71 LC	C Note: The Compatibility Category for § 71.91(a) has changed from D to C.	In § 71.91, in paragraph (a) introductory text, remove the reference “§ 71.10” and add, in its place, the reference “§ 71.14.”	N	N	License Condition
§ 71.91(b) Compatibility Change	Records	Not in Rule	NRC Note: The Compatibility Category for § 71.91(b) has changed from D to NRC.	The Compatibility Category has changed. b) Each certificate holder shall maintain, for a period of 3 years after the life of the packaging to which they apply, records identifying the packaging by model number, serial number, and date of manufacture.			
§ 71.91(c) and (d) Compatibility Change	Records	See Proposed Part 71 LC	C Note: The Compatibility Category for § 71.91(c) and (d) has changed from D to C.	The Compatibility Category has changed. (c) The licensee, certificate holder, and an applicant for a CoC, shall make available to the Commission for inspection, upon reasonable notice, all records required by this part. Records are only valid if stamped, initialed, or signed	N	N	License Condition

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
				<p>and dated by authorized personnel, or otherwise authenticated. (d) The licensee, certificate holder, and an applicant for a CoC shall maintain sufficient written records to furnish evidence of the quality of packaging. The records to be maintained include results of the determinations required by § 71.85; design, fabrication, and assembly records; results of reviews, inspections, tests, and audits; results of monitoring work performance and materials analyses; and results of maintenance, modification, and repair activities. Inspection, test, and audit records must identify the inspector or data recorder, the type of observation, the results, the acceptability, and the action taken in connection with any deficiencies noted. These records must be retained for 3 years after the life of the packaging to which they apply.</p>			
§ 71.101(a) Revised, Compatibility Change	Quality assurance requirements	See Proposed Part 71 LC	C** Note: The Compatibility Category for §	In § 71.101, revise paragraph (a) to read as follows: (a) <i>Purpose.</i> This subpart describes quality assurance requirements applying to design,	N	N	License Condition

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
			71.101(a) has changed from D or C to only C. ** See last page for additional note.	purchase, fabrication, handling, shipping, storing, cleaning, assembly, inspection, testing, operation, maintenance, repair, and modification of components of packaging that are important to safety. As used in this subpart, "quality assurance" comprises all those planned and systematic actions necessary to provide adequate confidence that a system or component will perform satisfactorily in service. Quality assurance includes quality control, which comprises those quality assurance actions related to control of the physical characteristics and quality of the material or component to predetermined requirements. Each certificate holder and applicant for a package approval is responsible for satisfying the quality assurance requirements that apply to design, fabrication, testing, and modification of packaging subject to this subpart. Each licensee is responsible for satisfying the quality assurance requirements that apply to its use of a packaging for the shipment of			

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
				licensed material subject to this subpart.			
§ 71.101(b) and (c)(1) Compatibility Change	Quality assurance requirements	See Proposed Part 71 LC	C** Note: The Compatibility Category for § 71.101(b) and (c)(1) has changed from D or C to only C. ** See last page for additional note.	The Compatibility Category has changed. (b) <i>Establishment of program.</i> Each licensee, certificate holder, and applicant for a CoC shall establish, maintain, and execute a quality assurance program satisfying each of the applicable criteria of §§ 71.101 through 71.137 and satisfying any specific provisions that are applicable to the licensee's activities including procurement of packaging. The licensee, certificate holder, and applicant for a CoC shall execute the applicable criteria in a graded approach to an extent that is commensurate with the quality assurance requirement's importance to safety. (c) <i>Approval of program.</i> (1) Before the use of any package for the shipment of licensed material subject to this subpart, each licensee shall obtain Commission approval of its quality assurance program. Using an appropriate method listed in § 71.1(a), each licensee shall file a description of its quality assurance program,	N	N	License Condition

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
				including a discussion of which requirements of this subpart are applicable and how they will be satisfied, by submitting the description to: ATTN: Document Control Desk, Director, Division of Spent Fuel Management, Office of Nuclear Material Safety and Safeguards.			
§ 71.101(c)(2) Revised	Quality assurance requirements	Not in rule	NRC	In § 71.101, revise paragraphs (c)(2) to read as follows: (c) * * * (2) Before the fabrication, testing, or modification of any package for the shipment of licensed material subject to this subpart, each certificate holder, or applicant for a Certificate of Compliance shall obtain Commission approval of its quality assurance program. Each certificate holder or applicant for a CoC shall, in accordance with § 71.1, file a description of its quality assurance program, including a discussion of which requirements of this subpart are applicable and how they will be satisfied.			

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
§ 71.101(g) Compatibility Note Revised	Quality assurance requirements	See Proposed Part 71 LC	C** ** See last page for note.	The Compatibility Category note has been revised. (g) Radiography containers. A program for transport container inspection and maintenance limited to radiographic exposure devices, source changers, or packages transporting these devices and meeting the requirements of § 34.31(b) of this chapter or equivalent Agreement State requirement, is deemed to satisfy the requirements of §§ 71.17(b) and 71.101(b).	N	N	License Condition
§ 71.103(a) Revised, Compatibility Change	Quality assurance organization	See Proposed Part 71 LC	C** Note: The Compatibility Category for § 71.103(a) has changed from D or [C] to only C. ** See last page for additional note.	In § 71.103, revise paragraph (a) to read as follows: (a) The licensee, certificate holder, and applicant for a Certificate of Compliance shall be responsible for the establishment and execution of the quality assurance program. The licensee, certificate holder, and applicant for a Certificate of Compliance may delegate to others, such as contractors, agents, or consultants, the work of establishing and executing the quality assurance program, or any part of the quality assurance program, but shall retain responsibility for the	N	N	License Condition

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
				program. These activities include performing the functions associated with attaining quality objectives and the quality assurance functions.			
§ 71.103(b) Compatibility Note Revised	Quality assurance organization	See Proposed Part 71 LC	C** ** See last page for note.	The Compatibility Category note has been revised. (b) The quality assurance functions are-- (1) Assuring that an appropriate quality assurance program is established and effectively executed; and (2) Verifying, by procedures such as checking, auditing, and inspection, that activities affecting the functions that are important to safety have been correctly performed.	N	N	License Condition
§ 71.106 New	Changes to quality assurance program	See Proposed Part 71 LC	C	Add § 71.106 to subpart H to read as follows: § 71.106 Changes to quality assurance program. (a) Each quality assurance program approval holder shall submit, in accordance with § 71.1(a), a description of a proposed change to its NRC-approved quality assurance program that will reduce commitments in the program description as approved by the NRC. The quality assurance program approval holder shall not	N	N	License Condition

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
				<p>implement the change before receiving NRC approval. (1) The description of a proposed change to the NRC-approved quality assurance program must identify the change, the reason for the change, and the basis for concluding that the revised program incorporating the change continues to satisfy the applicable requirements of subpart H of this part. (2) [Reserved] (b) Each quality assurance program approval holder may change a previously approved quality assurance program without prior NRC approval, if the change does not reduce the commitments in the quality assurance program previously approved by the NRC. Changes to the quality assurance program that do not reduce the commitments shall be submitted to the NRC every 24 months, in accordance with § 71.1(a). In addition to quality assurance program changes involving administrative improvements and clarifications, spelling corrections, and non-substantive changes to punctuation or editorial items,</p>			

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
				<p>the following changes are not considered reductions in commitment: (1) The use of a quality assurance standard approved by the NRC that is more recent than the quality assurance standard in the certificate holder's or applicant's current quality assurance program at the time of the change; (2) The use of generic organizational position titles that clearly denote the position function, supplemented as necessary by descriptive text, rather than specific titles, provided that there is no substantive change to either the functions of the position or reporting responsibilities; (3) The use of generic organizational charts to indicate functional relationships, authorities, and responsibilities, or alternatively, the use of descriptive text, provided that there is no substantive change to the functional relationships, authorities, or responsibilities; (4) The elimination of quality assurance program information that duplicates language in quality assurance regulatory</p>			

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
				guides and quality assurance standards to which the quality assurance program approval holder has committed to on record; and (5) Organizational revisions that ensure that persons and organizations performing quality assurance functions continue to have the requisite authority and organizational freedom, including sufficient independence from cost and schedule when opposed to safety considerations. (c) Each quality assurance program approval holder shall maintain records of quality assurance program changes.			
§ 71.135 Revised, Compatibility Change	Quality assurance records	See Proposed Part 71 LC	C** Note: The Compatibility Category for § 71.135 has changed from D or C to only C. ** See last page for additional note.	Revise § 71.135 to read as follows: The licensee, certificate holder, and applicant for a Certificate of Compliance shall maintain sufficient written records to describe the activities affecting quality. These records must include changes to the quality assurance program as required by § 71.106, the instructions, procedures, and drawings required by § 71.111 to prescribe quality assurance activities, and closely related	N	N	License Condition

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
				<p>specifications such as required qualifications of personnel, procedures, and equipment. The records must include the instructions or procedures that establish a records retention program that is consistent with applicable regulations and designates factors such as duration, location, and assigned responsibility. The licensee, certificate holder, and applicant for a Certificate of Compliance shall retain these records for 3 years beyond the date when the licensee, certificate holder, and applicant for a Certificate of Compliance last engage in the activity for which the quality assurance program was developed. If any portion of the quality assurance program, written procedures or instructions is superseded, the licensee, certificate holder, and applicant for a Certificate of Compliance shall retain the superseded material for 3 years after it is superseded.</p>			
Appendix A Revised	Determination of A1 and A2	See Proposed Part 71 LC	[B]	In appendix A to part 71, revise paragraphs IV.a. and IV.b., redesignate paragraphs IV.c. through IV.f. as	N	N	License Condition

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
				paragraphs IV.d. through IV.g., add new paragraph IV.c., revise newly redesignated paragraphs IV.d. through IV.g., redesignate paragraph V. as paragraph V.a., and add new paragraph V.b.. Revisions detailed below under “Appendix A to Part 71 – Determination of A1 and A2.”			
Appendix A, Table A–1 Revised	A1 and A2 Values for Radionuclides	See Proposed Part 71 LC	[B]	In Table A-1 of Appendix A, add an entry for Kr-79 in alphanumeric order; revise the entries for Cf 252, Ir-192, Kr-81, and Mo 99; revise footnotes a and c; remove footnote h; and redesignate footnote i as footnote h. Revisions detailed below under “Table A–1—A1 and A2 VALUES FOR RADIONUCLIDES.”	N	N	License Condition
Appendix A, Table A–2 Revised	Exempt Material Activity Concentrations and Exempt Consignment Activity Limits for Radionuclides.	See Proposed Part 71 LC	[B]	In Table A-2 of Appendix A, add the entry for Kr-79 in alphanumeric order, revise the entries for Kr 81 and Te 121m, and revise footnote b. Revisions detailed below under “Table A–2—EXEMPT MATERIAL ACTIVITY CONCENTRATIONS AND EXEMPT CONSIGNMENT	N	N	License Condition

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
				ACTIVITY LIMITS FOR RADIONUCLIDES.”			
Appendix A, Table A-3 Revised	General Values for A1 and A2	See Proposed Part 71 LC	[B]	In Table A-3 of Appendix A, revise the second and third entries and add a new footnote a. Revisions detailed below under “TABLE A-3—GENERAL VALUES FOR A1 and A2.”	N	N	License Condition

** Note: §71.101(g) indicates that QA programs for industrial radiography Type B package users are covered by §34.31(b). It also indicated that this section satisfies §71.17(b) and therefore will satisfy those sections referenced in this provision (§§71.101 through 71.137).

Appendix A to Part 71 – Determination of A₁ and A₂ * * * * * IV. *

a. For special form radioactive material, the maximum quantity transported in a

Type A package is as follows: $\sum_i \frac{B(i)}{A_1(i)} \leq 1$ where B(i) is the activity of radionuclide i in special form, and A₁(i) is the A₁ value for radionuclide i. b. For normal form radioactive material, the

maximum quantity transported in a Type A package is as follows: $\sum_i \frac{B(i)}{A_2(i)} \leq 1$ where B(i) is the activity of radionuclide i in normal form, and A₂(i) is the A₂ value for radionuclide i. c. If the package contains both special and normal form radioactive material, the activity that may be

transported in a Type A package is as follows: $\sum_i \frac{B(i)}{A_1(i)} + \sum_j \frac{C(j)}{A_2(j)} \leq 1$ where B(i) is the activity of radionuclide i as special form radioactive material, A₁(i) is the A₁ value for radionuclide i, C(j) is the activity of radionuclide j as normal form radioactive material, and A₂(j) is the A₂ value for radionuclide j. d. Alternatively, the A₁ value for mixtures of special form material may be

$$A_1 \text{ for mixture} = \frac{1}{\sum_i \frac{f(i)}{A_1(i)}}$$

determined as follows: where f(i) is the fraction of activity for radionuclide i in the mixture and A₁(i) is the appropriate A₁ value for radionuclide i. e. Alternatively, the A₂ value for mixtures of normal form material may be determined as follows:

A₂ for mixture = $\frac{1}{\sum_i \frac{f(i)}{A_2(i)}}$ where f(i) is the fraction of activity for radionuclide i in the mixture and A₂(i) is the appropriate A₂ value for radionuclide i. f. The exempt activity concentration for mixtures of nuclides may be determined as follows:

Exempt activity concentration for mixture = $\frac{1}{\sum_i \frac{f(i)}{[A](i)}}$ where f(i) is the fraction of activity concentration of radionuclide i in the mixture and [A](i) is the activity concentration for exempt material containing radionuclide i. g. The activity limit for an exempt consignment for mixtures of radionuclides may be determined as follows:

Exempt consignment activity limit for mixture = $\frac{1}{\sum_i \frac{f(i)}{A(i)}}$ where f(i) is the fraction of activity of radionuclide i in the mixture and A(i) is the activity limit for exempt consignments for radionuclide i. V. * * * * *

b. When the identity of each radionuclide is known but the individual activities of some of the radionuclides are not known, the radionuclides may be grouped and the lowest [A] (activity concentration for exempt material) or A (activity limit for exempt consignment) value, as appropriate, for the radionuclides in each group may be used in applying the formulas in paragraph IV of this appendix. Groups may be based on the total alpha activity and the total beta/gamma activity when these are known, using the lowest [A] or A values for the alpha emitters and beta/gamma emitters, respectively. * * * * *

Table A-1—A1 and A2 VALUES FOR RADIONUCLIDES

Symbol of radionuclide	Element and atomic number	A ₁ (TBq)	A ₁ (Ci) ^b	A ₂ (TBq)	A ₂ (Ci) ^b	Specific activity	
						(TBq/g)	(Ci/g)
*	*	*		*	*	*	*
Cf-252		1.0x10 ⁻¹	2.7	3.0x10 ⁻³	8.1x10 ⁻²	2.0x10 ¹	5.4x10 ²
*	*	*		*	*	*	*
Ir-192		^c 1.0	^c 2.7x10 ¹	6.0x10 ⁻¹	1.6x10 ¹	3.4x10 ²	9.2x10 ³
*	*	*		*	*	*	*
Kr-79	Krypton (36)	4.0	1.1x10 ²	2.0	5.4x10 ¹	4.2x10 ⁴	1.1x10 ⁶
Kr-81		4.0x10 ¹	1.1x10 ³	4.0x10 ¹	1.1x10 ³	7.8x10 ⁻⁴	2.1x10 ⁻²
*	*	*		*	*	*	*
Mo-99 ^{a h}		1.0	2.7x10 ¹	6.0x10 ⁻¹	1.6x10 ¹	1.8x10 ⁴	4.8x10 ⁵
*	*	*		*	*	*	*

^a A₁ and/or A₂ values include contributions from daughter nuclides with half-lives less than 10 days, as listed in the following: Mg-28

Sc-44	Fe-52	Mn-52m	Fe-60	Co-60m	Zn-69m	Sc-47	Ti-44	Zn-69	Ge-68					
Ga-68	Rb-83	Kr-83m	Sr-82	Rb-82	Sr-90	Y-90	Sr-91							
Y-91m	Sr-92	Y-92	Y-87	Sr-87m	Zr-95	Nb-95m	Zr-97							
Nb-97m, Nb-97	Mo-99	Tc-99m	Tc-95m	Tc-95	Tc-96m	Tc-96	Ru-103							
Rh-103m	Ru-106	Rh-106	Pd-103	Rh-103m	Ag-108m	Ag-108	Ag-							
110m Ag-110	Cd-115	In-115m	In-114m	In-114	Sn-113	In-113m	Sn-121m							
Sn-121	Sn-126	Sb-126m	Te-127m	Te-127	Te-129m	Te-129	Te-131m							
Te-131	Te-132	I-132	I-135	Xe-135m	Xe-122	I-122	Cs-137							
Ba-137m	Ba-131	Cs-131	Ba-140	La-140	Ce-144	Pr-144m, Pr-								
144 Pm-148m	Pm-148	Gd-146	Eu-146	Dy-166	Ho-166	Hf-172	Lu-172	W-178						
Ta-178	W-188	Re-188	Re-189	Os-189m	Os-194	Ir-194	Ir-189							
Os-189m	Pt-188	Ir-188	Hg-194	Au-194	Hg-195m	Hg-195	Pb-210							
Bi-210	Pb-212	Bi-212, Tl-208, Po-212	Bi-210m	Tl-206	Bi-212	Tl-208, Po-212								
At-211	Po-211	Rn-222	Po-218, Pb-214, At-218, Bi-214, Po-214	Ra-223	Rn-219,									
Po-215, Pb-211, Bi-211, Po-211, Tl-207	Ra-224	Rn-220, Po-216, Pb-212, Bi-212, Tl-208, Po-212												
Ra-225	Ac-225, Fr-221, At-217, Bi-213, Tl-209, Po-213, Pb-209	Ra-226	Rn-222, Po-218, Pb-214, At-218, Bi-214, Po-214	Ra-228	Ac-228	Ac-225	Fr-221, At-217, Bi-213, Tl-209, Po-213, Pb-209	Ac-227	Fr-223	Th-228	Ra-224, Rn-220, Po-216, Pb-212, Bi-212, Tl-208, Po-212	Pa-234m, Pa-234	Pa-230	Ac-226, Th-226, Fr-222,
Ra-222, Rn-218, Po-214	U-230	Th-226, Ra-222, Rn-218, Po-214	U-235	Th-231	Pu-241									
U-237	Pu-244	U-240, Np-240m	Am-242m	Am-242, Np-238	Am-243									
Np-239	Cm-247	Pu-243	Bk-249	Am-245	Cf-253	Cm-249	*	*						

^c The activity of Ir-192 in special form may be determined from a measurement of the rate of decay or a measurement of the radiation level at a prescribed distance from the source. * * * * *

^h A₂ = 0.74 TBq (20 Ci) for Mo-99 for domestic use. * * * * *

Table A-2—EXEMPT MATERIAL ACTIVITY CONCENTRATIONS AND EXEMPT CONSIGNMENT ACTIVITY LIMITS FOR RADIONUCLIDES

Symbol of radionuclide	Element and atomic number	Activity concentration for exempt material (Bq/g)	Activity concentration for exempt material (Ci/g)	Activity limit for exempt consignment (Bq)	Activity limit for exempt consignment (Ci)
*	*	*	**	*	*
Kr-79	Krypton (36)	1.0x10 ³	2.7x10 ⁻⁸	1.0x10 ⁵	2.7x10 ⁻⁶
Kr-81		1.0x10 ⁴	2.7x10 ⁻⁷	1.0x10 ⁷	2.7x10 ⁻⁴
*	*	*	**	*	*
Te-121m		1.0x10 ²	2.7x10 ⁻⁹	1.0x10 ⁶	2.7x10 ⁻⁵
*	*	*	**	*	*

* * * * *^b Parent nuclides and their progeny included in secular equilibrium are listed as follows: Sr-90 Y-90 Zr-93 Nb-93m Zr-97
 Nb-97 Ru-106 Rh-106 Ag-108m Ag-108 Cs-137 Ba-137m Ce-144
 Pr-144 Ba-140 La-140 Bi-212 Tl-208 (0.36), Po-212 (0.64) Pb-210
 Bi-210, Po-210 Pb-212 Bi-212, Tl-208 (0.36), Po-212 (0.64) Rn-222 Po-218,
 Pb-214, Bi-214, Po-214 Ra-223 Rn-219, Po-215, Pb-211, Bi-211, Tl-207 Ra-224 Rn-220,
 Po-216, Pb-212, Bi-212, Tl-208 (0.36), Po-212 (0.64) Ra-226 Rn-222, Po-218, Pb-214, Bi-
 214, Po-214, Pb-210, Bi-210, Po-210 Ra-228 Ac-228 Th-228 Ra-224, Rn-220, Po-
 216, Pb-212, Bi-212, Tl-208 (0.36), Po-212(0.64) Th-229 Ra-225, Ac-225, Fr-221, At-217, Bi-213,
 Po-213, Pb-209 Th-nat Ra-228, Ac-228, Th-228, Ra-224, Rn-220, Po-216, Pb-212, Bi-212, Tl-208
 (0.36), Po-212 (0.64) Th-234 Pa-234m U-230 Th-226, Ra-222, Rn-218, Po-214 U-232
 Th-228, Ra-224, Rn-220, Po-216, Pb-212, Bi-212, Tl-208 (0.36), Po-212 (0.64) U-235
 Th-231 U-238 Th-234, Pa-234m U-nat Th-234, Pa-234m, U-234, Th-230, Ra-226, Rn-
 222, Po-218, Pb-214, Bi-214, Po-214, Pb-210, Bi-210, Po-210 Np-237 Pa-233 Am-242m
 Am-242 Am-243 Np-239 * * * * *

TABLE A-3—GENERAL VALUES FOR A1 and A2

Contents	A ₁		A ₂		Activity concentration for exempt material (Bq/g)	Activity concentration for exempt material (Ci/g)	Activity limits for exempt consignments (Bq)	Activity limits for exempt consignments (Ci)
	(TBq)	(Ci)	(TBq)	(Ci)				
*		*	*	*	*	*		*
Alpha emitting nuclides, but no neutron emitters, are known to be present ^a	2x10 ⁻¹	5.4x10 ⁰	9x10 ⁻⁵	2.4x10 ⁻³	1x10 ⁻¹	2.7x10 ⁻¹²	1x10 ³	2.7x10 ⁻⁸
Neutron emitting nuclides are known to be present or no relevant data are available	1x10 ⁻³	2.7x10 ⁻²	9x10 ⁻⁵	2.4x10 ⁻³	1x10 ⁻¹	2.7x10 ⁻¹²	1x10 ³	2.7x10 ⁻⁸

^a If beta or gamma emitting nuclides are known to be present, the A₁ value of 0.1 TBq (2.7 Ci) should be used. * * * * *

Reference link to NRC's Part 71 Compatibility table
<https://www.nrc.gov/cdn/nmss/pdf/10cfr71.pdf>

Commented [SMN1]: Link used to get all of part 71 that AS are responsible for compatibility

Transportation LC Part 71 for RATS 2015-3, 2018-2, 2018-3, 2019-2, 2020-3

@@. In lieu of Rules 64E-5.1501 through 64E-5.1506 and 64E-5.1510, F.A.C., the licensee shall comply with title 10 Code of Federal Regulations. Part 71 except as follows:

- A. Sections 71.6, 71.7, 71.9 through 71.12, 71.14(b), 71.19, 71.31 through 71.45, 71.51 through 71.77, 71.85(a)-(c), 71.91(b), 71.93, 71.95, 71.99, 71.100, 71.101(c)(2), 71.101(d) & (e), 71.103(c)-(f), 71.107 through 71.125.
- B. Any reference using words "NRC", "Commission", "Nuclear Regulatory Commission" or "Administrator of the appropriate Regional Office" shall be deemed a reference Florida Department of Health except when used in 10 CFR 71.5(b), 71.10, 71.17(c)(3) and (e), 71.88(a)(4), 71.97(c) and (f), and 71.133
- C. NRC is the sole authority for issuing a package Certificate of Compliance.
- D. Rule 64E-5.1506 references in 64E-5.1507 and 64E-5.1508, F.A.C., are to be replaced with 10 CFR 71.97

Commented [SMN2]: RATS 2015-3 71.4 Definitions

RATS 2015-3 71.14(a)(1)-(a)(3)

RATS 2015-3 71.15(d)

RATS 2015-3 71.17

RATS 2015-3 71.21

RATS 2015-3 71.85(a)-(c) & (d) new

RATS 2015-3 71.91(a)

RATS 2015-3 71.91(c) & (d)

RATS 2015-3 71.101(a), (b) & (c)(1) & (g)

RATS 2015-3 71.103(a) & (b)

RATS 2015-3 71.106 new

RATS 2015-3 71.135

RATS 2015-3 71 Appendix Table A-1

RATS 2015-3 71 Appendix Table A-2

RATS 2015-3 71 Appendix Table A-3

RATS 2018-2 71.97 title change

RATS 2018-3 71.97(c)(3) title change

RATS 2019-2 71.101(c)(3) title change (NA for Agreement States)

RATS 2020-3 71.97(c)(3)(i) title change

RATS 2020-3 Appendix A Part 71 Table A-1

Reference documents below not included in the license condition.

Florida's transportation rules kept and not required for NRC compatibility.

Source: State of Florida Official Rules for Department of State.

<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=64E-5>

64E-5.1507 Designation of Routes for Shipment of Radioactive Waste Requiring Advance Notification.

(1) The Department may designate routes within the State of Florida for all shipments requiring advanced notification under Rule 64E-5.1506, F.A.C. Factors that the Department will consider in the designation of routes for shipments requiring advanced notifications are:

- (a) Population density in the vicinity of available highways;
- (b) Accident rates of available highways;
- (c) Transit time;
- (d) Time and day of the week during which the shipment is to occur; and,
- (e) Routes that may have been previously designated by other states.

(2) In lieu of the Department's designation of routes, the interstate highway system and limited access roadways are preferred for transportation of radioactive waste requiring advanced notification pursuant to Rule 64E-5.1506, F.A.C.

Commented [SMN3]: Florida Rules

64E-6.1507 Designation of Routes for Shipments of

Radioactive Waste Requiring Advanced Notification, 64E-5-

1508 Inspection of Low-Level Radioactive Waste

Shipments,

64E-5.1509 Permit Requirements,

64E-5.1511 Notification in the Event or Suspected or Real

Breach of Containment,

64E-5.1512 Inspections, and

64E-5.1513 Communications

are not required in Part 71 but a few cross-reference rules replaced via license condition. This text list the replacement reference.

64E-5.1508 Inspection of Low-Level Radioactive Waste Shipments.

(1)(a) All persons licensed by the Department to use, manufacture, produce, transfer, transport, receive, acquire, own, process or possess radioactive materials, as well as nuclear power plants licensed by the U.S. Nuclear Regulatory Commission, and who desire to ship radioactive waste, including radioactive waste requiring advance notification as specified in Rule 64E-5.1506, F.A.C., to a low-level radioactive waste treatment, storage or disposal facility, shall notify the Department no less than 48 hours prior to departure of the shipment. The notification shall be made in writing or by telephone.

(b) Each notification must contain the following information:

1. The name, address and telephone number of the generator,
2. The name and telephone number of the contact person, designated by the generator, with whom the Department may make arrangements for the inspection,
3. The name and telephone number of the carrier,
4. The location of departure, if different from the address of the generator,
5. The scheduled date and time of departure; and,
6. The proposed route to the low-level radioactive waste facility.

(2) Upon notification from a licensee or nuclear power plant licensed by the U.S. Nuclear Regulatory Commission, the Department shall dispatch an authorized representative to the licensee's facility to inspect the shipment of radioactive waste destined for a low-level radioactive waste treatment, storage or disposal facility. The inspection shall include:

- (a) Surveys of the external radiation levels of the vehicle;
- (b) Inspection of package integrity, bracing and blocking, if accessible;
- (c) Verification of required package marking and labeling, if accessible;
- (d) Verification of required vehicle placarding; and,
- (e) Examination of the shipping papers for compliance with the regulations of the U.S. Department of Transportation.

(3) Licensees or nuclear power plants licensed by the U.S. Nuclear Regulatory Commission shall also provide the Department's representative the following information or material during the course of inspection of the low-level radioactive waste shipment:

- (a) Time of departure of shipment;
- (b) Proposed route of the shipment to the low-level radioactive waste facility;
- (c) Estimated time of arrival of the shipment at the low-level radioactive waste facility;
- (d) The carrier's name;
- (e) A complete and legible copy of the bill of lading; and,
- (f) A complete and legible copy of the radioactive shipment manifest.

(4) If the shipment of low-level radioactive waste is found to be in compliance with the regulations of the U.S. Department of Transportation, the Department's representative shall affix his initials on the bill of lading and the shipment may then proceed to the low-level radioactive waste facility. If the shipment of low-level radioactive waste is found to be in violation of the regulations of the U.S. Department of Transportation by the Department's representative, the licensee shall not allow the shipment to leave the boundaries of his facility until the violation is corrected and the Department's representative affixes his initials on the bill of lading signifying the shipment is in compliance.

(5) Licensees or nuclear power plant licensees of the U.S. Nuclear Regulatory Commission shall, within 72 hours of receiving notice of the arrival of their shipment at its destination for unloading, notify the Department of such arrival. The licensee shall also forward to the Department within 2 weeks of receiving notice of the arrival of the shipment at a destination for unloading, records of receipt and any other records indicating that a shipment was found in violation of the low-level radioactive waste treatment, storage or disposal facility's or host state's rules or regulations.

(6) Each generator of radioactive waste whose shipment is inspected by the department's representative will be billed quarterly by the department a fee of \$1.95 per cubic foot (0.02832 cubic meter) of waste shipped or \$150.00 per shipment inspected, whichever is greater. This quarterly billing will be paid to the Department within 30 days of receipt of the bill.

64E-5.1509 Permit Requirements.

(1) Any carrier who transports low-level radioactive waste destined for a low-level radioactive waste treatment, storage or disposal facility, prior to entrance into the State of Florida, shall obtain a permit from the Department for transporting such waste into the State.

(a) An application for a permit must contain the following information or material:

1. Name, address and telephone number of the carrier; and,
2. Certification statement that the carrier will comply with this part and the regulations of the U.S. Department of Transportation.

(b) Each application for a permit must be accompanied by an annual fee of \$100. Permits shall be valid for 365 days following the date of issue. Permit fees are not refundable. Permits may not be transferred or assigned to another carrier.

(2)(a) Before any shipment of low-level radioactive waste may be transported into or through the State, the permitted carrier shall give written or telephonic notice to the Department not less than 48 hours prior to the date of the arrival of the shipment at the borders of the State. The carrier must provide the Department with the following information in the notice:

1. The expected date and time the shipment will arrive at the borders of the State,
2. The estimated time the shipment will remain in the State,
3. An estimate of the radioisotopes contained within the shipment,
4. An estimate of the total activity, in curies, contained within the shipment,
5. An estimate of the total volume, in cubic feet, contained within the shipment; and,
6. The proposed route over which the shipment will be transported.

(b) The carrier must immediately notify the Department of any cancellations or changes of information provided in the prior notification, such as changes in the date of shipment arrival, the length of time the shipment will remain in the State, or the description or quantity of the radioactive waste contained within the shipment.

(3) Any permit issued pursuant to subsection 64E-5.1509(1), F.A.C., may be suspended if the Department has reasonable cause to suspect that the continued shipment of low-level radioactive waste presents a hazard to the public health. Grounds for suspension of a permit may include failure to include the information requested pursuant to subsection 64E-5.1509(2), F.A.C., falsification of information submitted on the application for a permit, or violation of Florida law or Department regulations. Prior to the suspension of a permit, the holder of the permit shall be notified in writing that the permit will be suspended and that an opportunity for an administrative hearing will be provided, if requested in writing within 30 days of the receipt of the notice of the intent to suspend the permit. The Department may remove the suspension at any time if the Department determines that the suspected hazard no longer exists.

(4) All applications for permits and prior notifications of impending shipments shall be addressed to the Department as outlined in subsection 64E-5.1513(2), F.A.C.

64E-5.1511 Notification in the Event of Suspected or Real Breach of Containment.

In addition to the reporting requirements of the U.S. Department of Transportation, any carrier transporting radioactive material in the State shall notify the Department immediately in the event the carrier suspects or knows of a breach in the containment of the radioactive material being transported. Notification shall be made as described in subsection 64E-5.1513(2), F.A.C.

64E-5.1512 Inspections.

(1) A department representative is authorized to inspect any record of persons engaged in the transportation of a radioactive material where such records reasonably relate to packaging, preparing for shipment and transporting radioactive material.

(2) A department representative is authorized to enter upon and inspect the premises and transport vehicles of any person engaged in the transportation of radioactive material for the purpose of determining compliance with or violation of the provisions of Section 404.20, F.S., and these regulations.

(3) The Department may investigate the cause and circumstances of every event in which notification was made pursuant to Rule 64E-5.1511, F.A.C.

Miscellaneous Corrections – Organizational Changes
10 CFR Parts 37, 40, 70 and 71
(83 FR 57231), Published November 21, 2018)
RATS ID: 2018-2
Effective Date: December 21, 2018
Date Due for State Adoption: December 21, 2021

*Revised 5/12/2020 to revise reviewer note for 37.77

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
§ 37.7(a)	Communications		D	<p>§ 37.7(a) is revised to read as follows:</p> <p>(a) By mail addressed to: ATTN: Document Control Desk; Director, Office of Nuclear Reactor Regulation; Director, Office of New Reactors; or Director, Office of Nuclear Material Safety and Safeguards, as appropriate, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001;</p>			
§ 37.77	Advance notification of shipment of category 1 quantities of radioactive material	*Reviewer note: The Agreement States should not have this	<p>B: 37.77(a)-(d)</p> <p>C: 37.77(e) and (f)</p>	In § 37.77, wherever it appears, remove the title "Division of Security Policy," and in paragraph (c)(1), remove the phrase "of Nuclear Security".			

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
		<p>NRC organization title in their regulations, since these notifications should go to their State Agency.</p> <p>[See 78 FR 16990, Comment D.12]</p>					
§ 37.81(g)	Reporting of Events	Current NRC approved LC	C	<p>In § 37.81(g) introductory text, remove the third sentence that states:</p> <p>“In addition, the licensee shall provide one copy of the written report addressed to the Director, Division of Security Policy, Office of Nuclear Security and Incident Response, U.S. NRC, Washington, DC 20555-001.”</p>			
§ 40.23	General license for carriers of transient shipments of		NRC	Amend § 40.23 as follows:			

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
	natural uranium other than in the form of ore or ore residue			<p>a. In paragraph (b)(1), remove the title "Division of Security Policy,";</p> <p>b. In paragraph (b)(2)(ix), remove the title "Division of Security Policy" and add in its place the title "Office of Nuclear Security and Incident Response".</p> <p>c. In paragraph (c), remove the title "Division of Security Policy" and add in its place the title "Division of Physical and Cyber Security Policy".</p> <p>d. In paragraph (d), remove the title "Division of Security Policy" and add in its place the title "Division of Physical and Cyber Security Policy"; and remove the telephone number "(301) 415-6828" and add in its place the telephone number "301-287-3598".</p>			
§ 40.64	Reports		NRC	In § 40.64(c)(2) and (3), remove the last sentence in each paragraph.			

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
§ 40.66	Requirements for advance notice of export shipments of natural uranium		NRC	Amend § 40.66 as follows: a. In paragraph (a), remove the title "Division of Security Policy,"; b. In paragraph (b)(5), remove the title "Division of Security Policy," and add in its place the title "Director,"; and c. In paragraph (c), remove the title "Division of Security Policy," and add in its place the title "Director,".			
§ 40.67	Requirement for advance notice of importation of natural uranium from countries that are not party to the Convention on the Physical Protection of Nuclear Material		NRC	Amend § 40.67 as follows: a. In paragraph (a), remove the title "Division of Security Policy,"; and b. In paragraphs (c) and (d), remove the title "Division of Security Policy" and add in its place the phrase "Director, Office of Nuclear Security and Incident Response".			

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
§ 70.5	Communications		D	In § 70.5, wherever it appears, remove the title “Division of Security Policy,”			
§ 70.20b	General license for carriers of transient shipments of formula quantities of strategic special nuclear material, special nuclear material of moderate strategic significance, special nuclear material of low strategic significance, and irradiated reactor fuel		NRC	In § 70.20b, wherever it appears, remove the title “Division of Security Policy,”			
§ 70.32	Conditions of licenses	Current Rules 64E-5.201 with 64E-5.213(1) = 10CFR 71.32(a)(2)	NRC: 70.32(a)(1) (a)(4) (a)(5), (a)(6), (a)(7), (b)(1), (b)(3), (b)(4),(c),	In § 70.32, wherever it appears, remove the title “Division of Security Policy, Office of Nuclear Security and Incident Response” and add in its place the title “Office of Nuclear Material Safety and Safeguards”.	Y	N	

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
		Current Rule 64E-5.213(2) = 70.32(a)(3) Current Rule 64E-5.213(2) = 70.32(a)(3) Current Rule 64E-5.213(3) = 70.32(a)(9)	(d), (e), (f), (g), (h), (i), (j), & (k) C: 70.32 (a)(2), (a)(3), & (a)(8) H&S: 70.32 (a)(9) D: 70.32 (b)(2) & (b)(5)				
§ 71.97	Advance notification of shipment of irradiated reactor fuel and nuclear waste	See Proposed Transportation License Condition	B	In § 71.97, wherever it appears, remove the title "Division of Security Policy,"			

64E-5.201 Licensing of Radioactive Material.

(1) This part provides for the licensing of radioactive material. No person shall receive, possess, use, transfer, own or acquire radioactive material except as authorized in a specific or general license issued pursuant to this part or as otherwise provided in this part. Unless otherwise specified in the license or these rules, no licensee shall use radioactive materials:

- (a) In or on human beings;
- (b) In field applications where radioactive material is released to the environment;
- (c) In products distributed to the public;
- (d) In animals, plants, or their products which will be used for human consumption, or
- (e) In plants or animals where their products are released to the environment.

(2) In addition to the requirements of this part, all licensees are subject to the requirements of Parts I, III, IX and XV. Licensees engaged in industrial radiographic operations are also subject to the requirements of Part IV, licensees using radionuclides in the healing arts are subject to the requirements of Part VI and licensees engaged in wireline and subsurface tracer studies are subject to the requirements of Part XI.

(3) The Procedures for Radioactive Materials Enforcement Actions, May 2000, which is available from the department and which is herein incorporated by reference, will be used to determine enforcement actions to be taken.

(4) Any license may be revoked, suspended or modified, in whole or in part, for any material false statement in the application or any statement of fact required under provisions of the law, or because of conditions revealed by such application or statement of fact on any report, record or inspection or other means which would warrant the Department to refuse to grant a license on an original application, or for violation of, or failure to observe any of the terms and conditions of the law or of the license, a rule, or an order of the Department.

Rulemaking Authority 404.051(4), 404.061(2), 404.20 FS. Law Implemented 404.022, 404.051(1), (4), (5), (6), 404.061(2), 404.081(1), 404.091, 404.141, 404.161, 404.162, 404.20(1) FS. History--New 7-17-85, Amended 8-25-91, 5-12-93, 5-15-96, Formerly 10D-91.301, Amended 10-8-00.

Commented [SMN1]: RATS 2018-2 70.32(a)(2) with Rule h4E-5.213(1)

64E-5.213 Specific Terms and Conditions of License.

(1) Each license issued pursuant to this part shall be subject to all the provisions of the applicable laws, now or hereafter in effect, and to all rules of the Department.

(2) No license issued or granted under this part and no right to possess or utilize radioactive material granted by any license issued pursuant to this part shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control to any person unless the Department, after securing a completed specific license application and application fee from the transferee, has issued a proper license in accordance with the provisions of the Act.

(3)(a) Each specific or general licensee shall notify the Department in writing immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of Title 11 (Bankruptcy) of the United States Code (U.S.C.) by or against:

1. The licensee,
2. An entity, as that term is defined in 11 U.S.C. 101(14), controlling the licensee or listing the license or licensee as property of the estate, or
3. An affiliate, as that term is defined in 11 U.S.C. 101(2), of the licensee.

(b) This notification shall indicate the bankruptcy court in which the petition for bankruptcy was filed and the date of the filing of the petition for bankruptcy.

(4)(a) Each person licensed by the Department pursuant to this part shall confine use and possession of the material licensed to the locations and purposes authorized in the license.

(b) Each person specifically licensed by the Department shall maintain a fixed facility located within the state of Florida.

(5) A separate license is required for the following:

(a) Each activity as designated by license category in paragraph 64E-5.204(2)(e), F.A.C.

(b) Facilities for which one or more of the following applies:

1. The facilities are not contiguous,
2. The facilities are not under a single radiation safety program, or
3. The facilities are not under the same management.
4. Temporary job sites lasting more than two years.

(c) Each facility operated by an out-of-state licensee under reciprocity as specified in Rule 64E-5.216, F.A.C., and does not meet the definition of a temporary job site.

(d) Each large irradiator as defined in Rule 64E-5.101, F.A.C.

(6) A separate license is not required for temporary job sites lasting less than two years or for each facility that is authorized under a broad scope license.

(7) A licensee shall notify the department in writing within 30 days after a radiation safety officer permanently discontinues performance of radiation safety officer duties.

(8) A licensee shall apply and receive a license amendment or Department approval:

- (a) Before using radioactive material for a method or type or use not permitted by the license;
- (b) Before permitting anyone to use radioactive material as an authorized user as authorized by the license;
- (c) Before changing a radiation safety officer;
- (d) Before ordering or receiving radioactive material in excess of the amount authorized on the license;
- (e) Before adding to or changing the areas of use or address or addresses of use identified in the application or on the license;

and,

(f) Before changing statements, representations, and procedures which are incorporated into the license.

(g) Identifying all sources or devices by manufacturer and model number as registered by the sealed source and device registry or for sources or devices not registered by the sealed source and device registry provide the information in subsection 64E-5.210(14), F.A.C.

Rulemaking Authority 404.051, 404.061 FS. Law Implemented 404.051(1), (4), 404.061(2), (3), 404.141 FS. History--New 7-17-85, Amended 4-4-89, 5-12-93, 8-29-94, Formerly 10D-91.314, Amended 5-18-98, 9-28-06, 2-11-10, 12-26-13.

Commented [SMN1]: RATS 2018-2 70.32(a)(2) with Rule 64E-5.201 RATS 2018-2 70.32(a)(8)

Commented [SMN2]: RATS 2018-2 70.32(a)(3)

Reference link to NRC's Part 71 Compatibility table
<https://www.nrc.gov/cdn/nmss/pdf/10cfr71.pdf>

Commented [SMN1]: Link used to get all of part 71 that AS are responsible for compatibility

Transportation LC Part 71 for RATS 2015-3, 2018-2, 2018-3, 2019-2, 2020-3

@@. In lieu of Rules 64E-5.1501 through 64E-5.1506 and 64E-5.1510, F.A.C., the licensee shall comply with title 10 Code of Federal Regulations. Part 71 except as follows:

- A. Sections 71.6, 71.7, 71.9 through 71.12, 71.14(b), 71.19, 71.31 through 71.45, 71.51 through 71.77, 71.85(a)-(c), 71.91(b), 71.93, 71.95, 71.99, 71.100, 71.101(c)(2), 71.101(d) & (e), 71.103(c)-(f), 71.107 through 71.125.
- B. Any reference using words "NRC", "Commission", "Nuclear Regulatory Commission" or "Administrator of the appropriate Regional Office" shall be deemed a reference Florida Department of Health except when used in 10 CFR 71.5(b), 71.10, 71.17(c)(3) and (e), 71.88(a)(4), 71.97(c) and (f), and 71.133
- C. NRC is the sole authority for issuing a package Certificate of Compliance.
- D. Rule 64E-5.1506 references in 64E-5.1507 and 64E-5.1508, F.A.C., are to be replaced with 10 CFR 71.97

Commented [SMN2]: RATS 2015-3 71.4 Definitions
RATS 2015-3 71.14(a)(1)-(a)(3)
RATS 2015-3 71.15(d)
RATS 2015-3 71.17
RATS 2015-3 71.21
RATS 2015-3 71.85(a)-(c) & (d) new
RATS 2015-3 71.91(a)
RATS 2015-3 71.91(c) & (d)
RATS 2015-3 71.101(a), (b) & (c)(1) & (g)
RATS 2015-3 71.103(a) & (b)
RATS 2015-3 71.106 new
RATS 2015-3 71.135
RATS 2015-3 71 Appendix Table A-1
RATS 2015-3 71 Appendix Table A-2
RATS 2015-3 71 Appendix Table A-3

RATS 2018-2 71.97 title change
RATS 2018-3 71.97(c)(3) title change
RATS 2019-2 71.101(c)(3) title change (NA for Agreement States)
RATS 2020-3 71.97(c)(3)(i) title change
RATS 2020-3 Appendix A Part 71 Table A-1

Reference documents below not included in the license condition.
Florida's transportation rules kept and not required for NRC compatibility.
Source: State of Florida Official Rules for Department of State.
<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=64E-5>

Commented [SMN3]: Florida Rules
64E-6.1507 Designation of Routes for Shipments of Radioactive Waste Requiring Advanced Notification, 64E-5-1508 Inspection of Low-Level Radioactive Waste Shipments,
64E-5.1509 Permit Requirements,
64E-5.1511 Notification in the Event or Suspected or Real Breach of Containment,
64E-5.1512 Inspections, and
64E-5.1513 Communications
are not required in Part 71 but a few cross-reference rules replaced via license condition. This text list the replacement reference.

64E-5.1507 Designation of Routes for Shipment of Radioactive Waste Requiring Advance Notification.

(1) The Department may designate routes within the State of Florida for all shipments requiring advanced notification under Rule 64E-5.1506, F.A.C. Factors that the Department will consider in the designation of routes for shipments requiring advanced notifications are:

- (a) Population density in the vicinity of available highways;
- (b) Accident rates of available highways;
- (c) Transit time;
- (d) Time and day of the week during which the shipment is to occur; and,
- (e) Routes that may have been previously designated by other states.

(2) In lieu of the Department's designation of routes, the interstate highway system and limited access roadways are preferred for transportation of radioactive waste requiring advanced notification pursuant to Rule 64E-5.1506, F.A.C.

64E-5.1508 Inspection of Low-Level Radioactive Waste Shipments.

(1)(a) All persons licensed by the Department to use, manufacture, produce, transfer, transport, receive, acquire, own, process or possess radioactive materials, as well as nuclear power plants licensed by the U.S. Nuclear Regulatory Commission, and who desire to ship radioactive waste, including radioactive waste requiring advance notification as specified in Rule 64E-5.1506, F.A.C., to a low-level radioactive waste treatment, storage or disposal facility, shall notify the Department no less than 48 hours prior to departure of the shipment. The notification shall be made in writing or by telephone.

(b) Each notification must contain the following information:

1. The name, address and telephone number of the generator,
2. The name and telephone number of the contact person, designated by the generator, with whom the Department may make arrangements for the inspection,
3. The name and telephone number of the carrier,
4. The location of departure, if different from the address of the generator,
5. The scheduled date and time of departure; and,
6. The proposed route to the low-level radioactive waste facility.

(2) Upon notification from a licensee or nuclear power plant licensed by the U.S. Nuclear Regulatory Commission, the Department shall dispatch an authorized representative to the licensee's facility to inspect the shipment of radioactive waste destined for a low-level radioactive waste treatment, storage or disposal facility. The inspection shall include:

- (a) Surveys of the external radiation levels of the vehicle;
- (b) Inspection of package integrity, bracing and blocking, if accessible;
- (c) Verification of required package marking and labeling, if accessible;
- (d) Verification of required vehicle placarding; and,
- (e) Examination of the shipping papers for compliance with the regulations of the U.S. Department of Transportation.

(3) Licensees or nuclear power plants licensed by the U.S. Nuclear Regulatory Commission shall also provide the Department's representative the following information or material during the course of inspection of the low-level radioactive waste shipment:

- (a) Time of departure of shipment;
- (b) Proposed route of the shipment to the low-level radioactive waste facility;
- (c) Estimated time of arrival of the shipment at the low-level radioactive waste facility;
- (d) The carrier's name;
- (e) A complete and legible copy of the bill of lading; and,
- (f) A complete and legible copy of the radioactive shipment manifest.

(4) If the shipment of low-level radioactive waste is found to be in compliance with the regulations of the U.S. Department of Transportation, the Department's representative shall affix his initials on the bill of lading and the shipment may then proceed to the low-level radioactive waste facility. If the shipment of low-level radioactive waste is found to be in violation of the regulations of the U.S. Department of Transportation by the Department's representative, the licensee shall not allow the shipment to leave the boundaries of his facility until the violation is corrected and the Department's representative affixes his initials on the bill of lading signifying the shipment is in compliance.

(5) Licensees or nuclear power plant licensees of the U.S. Nuclear Regulatory Commission shall, within 72 hours of receiving notice of the arrival of their shipment at its destination for unloading, notify the Department of such arrival. The licensee shall also forward to the Department within 2 weeks of receiving notice of the arrival of the shipment at a destination for unloading, records of receipt and any other records indicating that a shipment was found in violation of the low-level radioactive waste treatment, storage or disposal facility's or host state's rules or regulations.

(6) Each generator of radioactive waste whose shipment is inspected by the department's representative will be billed quarterly by the department a fee of \$1.95 per cubic foot (0.02832 cubic meter) of waste shipped or \$150.00 per shipment inspected, whichever is greater. This quarterly billing will be paid to the Department within 30 days of receipt of the bill.

64E-5.1509 Permit Requirements.

(1) Any carrier who transports low-level radioactive waste destined for a low-level radioactive waste treatment, storage or disposal facility, prior to entrance into the State of Florida, shall obtain a permit from the Department for transporting such waste into the State.

(a) An application for a permit must contain the following information or material:

1. Name, address and telephone number of the carrier; and,
2. Certification statement that the carrier will comply with this part and the regulations of the U.S. Department of Transportation.

(b) Each application for a permit must be accompanied by an annual fee of \$100. Permits shall be valid for 365 days following the date of issue. Permit fees are not refundable. Permits may not be transferred or assigned to another carrier.

(2)(a) Before any shipment of low-level radioactive waste may be transported into or through the State, the permitted carrier shall give written or telephonic notice to the Department not less than 48 hours prior to the date of the arrival of the shipment at the borders of the State. The carrier must provide the Department with the following information in the notice:

1. The expected date and time the shipment will arrive at the borders of the State,
2. The estimated time the shipment will remain in the State,
3. An estimate of the radioisotopes contained within the shipment,
4. An estimate of the total activity, in curies, contained within the shipment,
5. An estimate of the total volume, in cubic feet, contained within the shipment; and,
6. The proposed route over which the shipment will be transported.

(b) The carrier must immediately notify the Department of any cancellations or changes of information provided in the prior notification, such as changes in the date of shipment arrival, the length of time the shipment will remain in the State, or the description or quantity of the radioactive waste contained within the shipment.

(3) Any permit issued pursuant to subsection 64E-5.1509(1), F.A.C., may be suspended if the Department has reasonable cause to suspect that the continued shipment of low-level radioactive waste presents a hazard to the public health. Grounds for suspension of a permit may include failure to include the information requested pursuant to subsection 64E-5.1509(2), F.A.C., falsification of information submitted on the application for a permit, or violation of Florida law or Department regulations. Prior to the suspension of a permit, the holder of the permit shall be notified in writing that the permit will be suspended and that an opportunity for an administrative hearing will be provided, if requested in writing within 30 days of the receipt of the notice of the intent to suspend the permit. The Department may remove the suspension at any time if the Department determines that the suspected hazard no longer exists.

(4) All applications for permits and prior notifications of impending shipments shall be addressed to the Department as outlined in subsection 64E-5.1513(2), F.A.C.

64E-5.1511 Notification in the Event of Suspected or Real Breach of Containment.

In addition to the reporting requirements of the U.S. Department of Transportation, any carrier transporting radioactive material in the State shall notify the Department immediately in the event the carrier suspects or knows of a breach in the containment of the radioactive material being transported. Notification shall be made as described in subsection 64E-5.1513(2), F.A.C.

64E-5.1512 Inspections.

(1) A department representative is authorized to inspect any record of persons engaged in the transportation of a radioactive material where such records reasonably relate to packaging, preparing for shipment and transporting radioactive material.

(2) A department representative is authorized to enter upon and inspect the premises and transport vehicles of any person engaged in the transportation of radioactive material for the purpose of determining compliance with or violation of the provisions of Section 404.20, F.S., and these regulations.

(3) The Department may investigate the cause and circumstances of every event in which notification was made pursuant to Rule 64E-5.1511, F.A.C.

Miscellaneous Corrections
10 CFR Parts 1, 2, 34, 37, 50, 71, 73, and 140
(83 FR 30285), Published June 28, 2018)
RATS ID: 2018-3
Effective Date: July 30, 2018
Date Due for State Adoption: July 30, 2022 (extended)

CORRECTED VERSION 01/2020

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
§ 34.101(c)	Notifications	64E-5.441(4)	C	In § 34.101(c), remove the reference "§ 30.6(a)(2)" and add in its place the reference "§ 30.6(b)(2)".	Y	N	FL says report to department, NRC lists the offices in 10 CFR part 30
§ 37.23(b)(2)	Access authorization program	Current NRC approved LC	B	In § 37.23(b)(2), after the second sentence, this final rule adds the sentence, "Provide oath or affirmation			

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
	requirements			<p>certifications to the ATTN: Document Control Desk; Director, Office of Nuclear Material Safety and Safeguards." to read as follows:</p> <p>§ 37.23 Access authorization program requirements. * * * * *</p> <p>(b) * * *</p> <p>(2) Each licensee shall name one or more individuals to be reviewing officials. After completing the background investigation on the reviewing official, the licensee shall provide under oath or affirmation, a certification that the reviewing official is deemed trustworthy</p>			

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
				<p>and reliable by the licensee. Provide oath or affirmation certifications to the ATTN: Document Control Desk; Director, Office of Nuclear Material Safety and Safeguards. The fingerprints of the named reviewing official must be taken by a law enforcement agency, Federal or State agencies that provide fingerprinting services to the public, or commercial fingerprinting services authorized by a State to take fingerprints. The licensee shall recertify that the reviewing official is deemed trustworthy and reliable every 10 years in accordance with § 37.25(c).</p> <p>* * * * *</p>			

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
§ 37.43(d)(2), (d)(3) introductory text, (d)(3)(i), (d)(5) through (7), and (d)(8)(ii)	General security program requirements	Current NRC approved LC	C	<p>In § 37.43, paragraphs (d)(2) and (3), and paragraphs (d)(5) through (8), this final rule has been revised to add the phrase "the list of individuals that have been approved for unescorted access" to provide the full list of information required to be protected as follows:</p> <p>§ 37.43 General security program requirements. * * * * *</p> <p>(d) * * *</p> <p>(2) Efforts to limit access shall include the development, implementation, and</p>			

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
				<p>maintenance of written policies and procedures for controlling access to, and for proper handling and protection against unauthorized disclosure of, the security plan, implementing procedures, and the list of individuals that have been approved for unescorted access.</p> <p>(3) Before granting an individual access to the security plan, implementing procedures, or the list of individuals that have been approved for unescorted access, licensees shall:</p> <p>(i) Evaluate an individual's need to know the security plan, implementing procedures, or the list of individuals that have been</p>			

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
				<p>approved for unescorted access; and</p> <p>* * * * *</p> <p>(5) The licensee shall document the basis for concluding that an individual is trustworthy and reliable and should be granted access to the security plan, implementing procedures, or the list of individuals that have been approved for unescorted access.</p> <p>(6) Licensees shall maintain a list of persons currently approved for access to the security plan, implementing procedures, or the list of individuals that have been approved for unescorted access. When a licensee determines that a person no longer needs</p>			

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
				<p>access to the security plan, implementing procedures, or the list of individuals that have been approved for unescorted access, or no longer meets the access authorization requirements for access to the information, the licensee shall remove the person from the approved list as soon as possible, but no later than 7 working days, and take prompt measures to ensure that the individual is unable to obtain the security plan, implementing procedures, or the list of individuals that have been approved for unescorted access. (7) When not in use, the licensee shall store its security plan, implementing procedures, and</p>			

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
				<p>the list of individuals that have been approved for unescorted access in a manner to prevent unauthorized access. Information stored in nonremovable electronic form must be password protected.</p> <p>(8) * * *</p> <p>(ii) The list of individuals approved for access to the security plan, implementing procedures, or the list of individuals that have been approved for unescorted access.</p>			
§ 37.45(b)	LLEA coordination	Current NRC approved LC	B	In § 37.45(b), remove the reference “§ 30.6(a)(2)” and add in its place the reference “§ 30.6(b)(2)”.			

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
§ 37.77(a)(1)	Advance notification of shipment of category I quantities of radioactive material.	Current NRC approved LC	B	In § 37.77(a)(1), remove the title “Division of Material Safety, State, Tribal, and Rulemaking Programs” and add in its place the title “Division of Materials Safety, Security, State, and Tribal Programs”.			
§ 71.97(c)(3)	Advance notification of shipment of irradiated reactor fuel and nuclear waste.	See proposed License Condition	B	In § 71.97(c)(3)(iii), remove the title “Division of Material Safety, State, Tribal, and Rulemaking Programs” and add in its place the title “Division of Materials Safety, Security, State, and Tribal Programs”.	N	N	

64E-5.441 Reporting Requirements.

(1) In addition to the reporting requirements specified in rules contained in Chapter 64E-5, Parts III and IX, F.A.C., and other sections of this part, each licensee shall provide a written report to the department within 30 days of the occurrence of any of the incidents involving radiographic equipment described below. Such reports shall be mailed to the Bureau of Radiation Control, Radioactive Materials Section, Bin C21, 4052 Bald Cypress Way, Tallahassee, Florida 32399-1741, for incidents involving radioactive materials or to the Bureau of Radiation Control, Radiation Machine Section, 705 Wells Road, Suite 300, Orange Park, Florida 32073, for incidents involving radiation machines.

- (a) Unintentional disconnection of the source assembly from the control cable.
 - (b) Inability to retract and secure the source assembly to the fully shielded position.
 - (c) Failure of any component critical to safe operation of the device to perform its intended function properly.
- (2) The licensee shall include the information described below in each report submitted as specified in this section.
- (a) A description of the equipment problem.
 - (b) Cause of each incident if known.
 - (c) Manufacturer name and model number of the equipment involved in the incident.
 - (d) Place, time, and date of the incident.
 - (e) Actions taken to establish normal operations.
 - (f) Corrective actions taken or planned to prevent recurrence.
 - (g) Qualifications of the personnel involved in the incident.

(3) Reports of overexposures submitted as specified in rules contained in Part III of Chapter 64E-5, F.A.C., that involve failure of safety components of radiography equipment also must include the information specified in subsection 64E-5.441(2), F.A.C.

(4) Any licensee conducting radiographic operations or storing radioactive material at any location not listed on the license for a period in excess of 180 days in a calendar year, shall notify the Department prior to exceeding the 180 days. (Pursuant to Section 120.54(6), F.S., subsection 64E-5.441(4), F.A.C., is substantively identical to 10 CFR 34.101(e) published on 01/01/2007.)

Commented [SMN1]: RATS 20818-3 10CFR 34.101(c) equivalent.

@@. 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, 37.77(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:
- 37.5 Definitions: *Agreement State, Byproduct material, Commission, fingerprint orders, person,*
 - 37.25(b),
 - 37.27(a) and (c),
 - 37.29(a),
 - 37.71 referring to NRC's license verification system,
 - 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 fingerprint cards or records to Director, Division of Facilities and Cyber Security Policy, U.S. NRC, 11545 Rockville Pike, Rockville, Maryland 20852-2738, ATTN: Criminal History Program, Mail Stop T-07D04M
- 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, 32399-1741; telephone (850) 245-4545.
2. Licensee required reports of events or notifications in 37.57, 37.77(a)-(d), 37.81, for both regular mail and overnight mail shall use Department of Health, Bureau of Radiation Control, 2100 All Children's Way, Orlando, FL 32818-5269; telephone (407) 297-2095.

Commented [SMN1]: RATS 2018-2 37.81(g)
RATS 2018-3 37.23(b)(2), 37.43(d)(2) & (3) and (d)(5)-(8),
37.45(b), 37.77(a)(1), NOT EXCLUDED
RATS 2019-1 37.23(b)(2) NOT EXCLUDED

Commented [SMN2]: RATS 2018-2 37.77 9a)-(d) 37.77(e)
and (f) (NA Title change but goes to State not NRC titles)

Commented [SMN3]: RATS 2019-1 37.27(c)(1) & (2)

Reference link to NRC's Part 71 Compatibility table
<https://www.nrc.gov/cdn/nmss/pdf/10cfr71.pdf>

Commented [SMN1]: Link used to get all of part 71 that AS are responsible for compatibility

Transportation LC Part 71 for RATS 2015-3, 2018-2, 2018-3, 2019-2, 2020-3

@@. In lieu of Rules 64E-5.1501 through 64E-5.1506 and 64E-5.1510, F.A.C., the licensee shall comply with title 10 Code of Federal Regulations. Part 71 except as follows:

- A. Sections 71.6, 71.7, 71.9 through 71.12, 71.14(b), 71.19, 71.31 through 71.45, 71.51 through 71.77, 71.85(a)-(c), 71.91(b), 71.93, 71.95, 71.99, 71.100, 71.101(c)(2), 71.101(d) & (e), 71.103(c)-(f), 71.107 through 71.125.
- B. Any reference using words "NRC", "Commission", "Nuclear Regulatory Commission" or "Administrator of the appropriate Regional Office" shall be deemed a reference Florida Department of Health except when used in 10 CFR 71.5(b), 71.10, 71.17(c)(3) and (e), 71.88(a)(4), 71.97(c) and (f), and 71.133
- C. NRC is the sole authority for issuing a package Certificate of Compliance.
- D. Rule 64E-5.1506 references in 64E-5.1507 and 64E-5.1508, F.A.C., are to be replaced with 10 CFR 71.97

Commented [SMN2]: RATS 2015-3 71.4 Definitions
RATS 2015-3 71.14(a)(1)-(a)(3)
RATS 2015-3 71.15(d)
RATS 2015-3 71.17
RATS 2015-3 71.21
RATS 2015-3 71.85(a)-(c) & (d) new
RATS 2015-3 71.91(a)
RATS 2015-3 71.91(c) & (d)
RATS 2015-3 71.101(a), (b) & (c)(1) & (g)
RATS 2015-3 71.103(a) & (b)
RATS 2015-3 71.106 new
RATS 2015-3 71.135
RATS 2015-3 71 Appendix Table A-1
RATS 2015-3 71 Appendix Table A-2
RATS 2015-3 71 Appendix Table A-3

RATS 2018-2 71.97 title change
RATS 2018-3 71.97(c)(3) title change
RATS 2019-2 71.101(c)(3) title change (NA for Agreement States)
RATS 2020-3 71.97(c)(3)(i) title change
RATS 2020-3 Appendix A Part 71 Table A-1

Reference documents below not included in the license condition.
Florida's transportation rules kept and not required for NRC compatibility.
Source: State of Florida Official Rules for Department of State.
<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=64E-5>

Commented [SMN3]: Florida Rules
64E-6.1507 Designation of Routes for Shipments of Radioactive Waste Requiring Advanced Notification, 64E-5-1508 Inspection of Low-Level Radioactive Waste Shipments,
64E-5.1509 Permit Requirements,
64E-5.1511 Notification in the Event or Suspected or Real Breach of Containment,
64E-5.1512 Inspections, and
64E-5.1513 Communications
are not required in Part 71 but a few cross-reference rules replaced via license condition. This text list the replacement reference.

64E-5.1507 Designation of Routes for Shipment of Radioactive Waste Requiring Advance Notification.

(1) The Department may designate routes within the State of Florida for all shipments requiring advanced notification under Rule 64E-5.1506, F.A.C. Factors that the Department will consider in the designation of routes for shipments requiring advanced notifications are:

- (a) Population density in the vicinity of available highways;
- (b) Accident rates of available highways;
- (c) Transit time;
- (d) Time and day of the week during which the shipment is to occur; and,
- (e) Routes that may have been previously designated by other states.

(2) In lieu of the Department's designation of routes, the interstate highway system and limited access roadways are preferred for transportation of radioactive waste requiring advanced notification pursuant to Rule 64E-5.1506, F.A.C.

64E-5.1508 Inspection of Low-Level Radioactive Waste Shipments.

(1)(a) All persons licensed by the Department to use, manufacture, produce, transfer, transport, receive, acquire, own, process or possess radioactive materials, as well as nuclear power plants licensed by the U.S. Nuclear Regulatory Commission, and who desire to ship radioactive waste, including radioactive waste requiring advance notification as specified in Rule 64E-5.1506, F.A.C., to a low-level radioactive waste treatment, storage or disposal facility, shall notify the Department no less than 48 hours prior to departure of the shipment. The notification shall be made in writing or by telephone.

(b) Each notification must contain the following information:

1. The name, address and telephone number of the generator,
2. The name and telephone number of the contact person, designated by the generator, with whom the Department may make arrangements for the inspection,
3. The name and telephone number of the carrier,
4. The location of departure, if different from the address of the generator,
5. The scheduled date and time of departure; and,
6. The proposed route to the low-level radioactive waste facility.

(2) Upon notification from a licensee or nuclear power plant licensed by the U.S. Nuclear Regulatory Commission, the Department shall dispatch an authorized representative to the licensee's facility to inspect the shipment of radioactive waste destined for a low-level radioactive waste treatment, storage or disposal facility. The inspection shall include:

- (a) Surveys of the external radiation levels of the vehicle;
- (b) Inspection of package integrity, bracing and blocking, if accessible;
- (c) Verification of required package marking and labeling, if accessible;
- (d) Verification of required vehicle placarding; and,
- (e) Examination of the shipping papers for compliance with the regulations of the U.S. Department of Transportation.

(3) Licensees or nuclear power plants licensed by the U.S. Nuclear Regulatory Commission shall also provide the Department's representative the following information or material during the course of inspection of the low-level radioactive waste shipment:

- (a) Time of departure of shipment;
- (b) Proposed route of the shipment to the low-level radioactive waste facility;
- (c) Estimated time of arrival of the shipment at the low-level radioactive waste facility;
- (d) The carrier's name;
- (e) A complete and legible copy of the bill of lading; and,
- (f) A complete and legible copy of the radioactive shipment manifest.

(4) If the shipment of low-level radioactive waste is found to be in compliance with the regulations of the U.S. Department of Transportation, the Department's representative shall affix his initials on the bill of lading and the shipment may then proceed to the low-level radioactive waste facility. If the shipment of low-level radioactive waste is found to be in violation of the regulations of the U.S. Department of Transportation by the Department's representative, the licensee shall not allow the shipment to leave the boundaries of his facility until the violation is corrected and the Department's representative affixes his initials on the bill of lading signifying the shipment is in compliance.

(5) Licensees or nuclear power plant licensees of the U.S. Nuclear Regulatory Commission shall, within 72 hours of receiving notice of the arrival of their shipment at its destination for unloading, notify the Department of such arrival. The licensee shall also forward to the Department within 2 weeks of receiving notice of the arrival of the shipment at a destination for unloading, records of receipt and any other records indicating that a shipment was found in violation of the low-level radioactive waste treatment, storage or disposal facility's or host state's rules or regulations.

(6) Each generator of radioactive waste whose shipment is inspected by the department's representative will be billed quarterly by the department a fee of \$1.95 per cubic foot (0.02832 cubic meter) of waste shipped or \$150.00 per shipment inspected, whichever is greater. This quarterly billing will be paid to the Department within 30 days of receipt of the bill.

64E-5.1509 Permit Requirements.

(1) Any carrier who transports low-level radioactive waste destined for a low-level radioactive waste treatment, storage or disposal facility, prior to entrance into the State of Florida, shall obtain a permit from the Department for transporting such waste into the State.

(a) An application for a permit must contain the following information or material:

1. Name, address and telephone number of the carrier; and,
2. Certification statement that the carrier will comply with this part and the regulations of the U.S. Department of Transportation.

(b) Each application for a permit must be accompanied by an annual fee of \$100. Permits shall be valid for 365 days following the date of issue. Permit fees are not refundable. Permits may not be transferred or assigned to another carrier.

(2)(a) Before any shipment of low-level radioactive waste may be transported into or through the State, the permitted carrier shall give written or telephonic notice to the Department not less than 48 hours prior to the date of the arrival of the shipment at the borders of the State. The carrier must provide the Department with the following information in the notice:

1. The expected date and time the shipment will arrive at the borders of the State,
2. The estimated time the shipment will remain in the State,
3. An estimate of the radioisotopes contained within the shipment,
4. An estimate of the total activity, in curies, contained within the shipment,
5. An estimate of the total volume, in cubic feet, contained within the shipment; and,
6. The proposed route over which the shipment will be transported.

(b) The carrier must immediately notify the Department of any cancellations or changes of information provided in the prior notification, such as changes in the date of shipment arrival, the length of time the shipment will remain in the State, or the description or quantity of the radioactive waste contained within the shipment.

(3) Any permit issued pursuant to subsection 64E-5.1509(1), F.A.C., may be suspended if the Department has reasonable cause to suspect that the continued shipment of low-level radioactive waste presents a hazard to the public health. Grounds for suspension of a permit may include failure to include the information requested pursuant to subsection 64E-5.1509(2), F.A.C., falsification of information submitted on the application for a permit, or violation of Florida law or Department regulations. Prior to the suspension of a permit, the holder of the permit shall be notified in writing that the permit will be suspended and that an opportunity for an administrative hearing will be provided, if requested in writing within 30 days of the receipt of the notice of the intent to suspend the permit. The Department may remove the suspension at any time if the Department determines that the suspected hazard no longer exists.

(4) All applications for permits and prior notifications of impending shipments shall be addressed to the Department as outlined in subsection 64E-5.1513(2), F.A.C.

64E-5.1511 Notification in the Event of Suspected or Real Breach of Containment.

In addition to the reporting requirements of the U.S. Department of Transportation, any carrier transporting radioactive material in the State shall notify the Department immediately in the event the carrier suspects or knows of a breach in the containment of the radioactive material being transported. Notification shall be made as described in subsection 64E-5.1513(2), F.A.C.

64E-5.1512 Inspections.

(1) A department representative is authorized to inspect any record of persons engaged in the transportation of a radioactive material where such records reasonably relate to packaging, preparing for shipment and transporting radioactive material.

(2) A department representative is authorized to enter upon and inspect the premises and transport vehicles of any person engaged in the transportation of radioactive material for the purpose of determining compliance with or violation of the provisions of Section 404.20, F.S., and these regulations.

(3) The Department may investigate the cause and circumstances of every event in which notification was made pursuant to Rule 64E-5.1511, F.A.C.

Miscellaneous Corrections
10 CFR Parts 2, 21, 37, 50, 52, 73, and 110
(84 FR 63565), Published November 18, 2019)
RATS ID: 2019-1
Effective Date: December 18, 2019
Date Due for State Adoption: December 18, 2022

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
§ 37.23(b)(2)	Access authorization program requirements	See NRC approved Part 37 LC	B	In § 37.23(b)(2), remove the phrase "ATTN: Document Control Desk; Director, Office of Nuclear Material Safety and Safeguards." and add in its place the phrase "Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; ATTN: Source Management and Protection Branch."			
§ 37.27(c)(1) and (2)	Requirements for criminal history records checks of individuals granted unescorted access to category 1 or	See NRC approved Part 37 LC	B	In § 37.27, revise paragraphs (c)(1) and (2) to read as follows: * * * * * (c) * * * (1) For the purposes of complying with this subpart, licensees shall use an appropriate method listed in §			

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
	category 2 quantities of radioactive material			<p>37.7 to submit to the U.S. Nuclear Regulatory Commission, Director, Division of Physical and Cyber Security Policy, 11545 Rockville Pike, ATTN: Criminal History Program/Mail Stop T-8B20, Rockville, MD 20852, one completed, legible standard fingerprint card (Form FD-258, ORIMDNR0000Z), electronic fingerprint scan or, where practicable, other fingerprint record for each individual requiring unescorted access to category 1 or category 2 quantities of radioactive material. Copies of these forms may be obtained by emailing MAILSVS.Resource@nrc.gov. Guidance on submitting electronic fingerprints can be found at https://www.nrc.gov/security/chp.html.</p> <p>(2) Fees for the processing of fingerprint checks are due upon application. Licensees shall submit payment with the application for the</p>			

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
				<p>processing of fingerprints through corporate check, certified check, cashier's check, money order, or electronic payment, made payable to "U.S. NRC." (For guidance on making electronic payments, contact the Division of Physical and Cyber Security Policy by e-mailing Crimhist.Resource@nrc.gov.) Combined payment for multiple applications is acceptable. The Commission publishes the amount of the fingerprint check application fee on the NRC's public Web site. (To find the current fee amount, go to the Licensee Criminal History Records Checks & Firearms Background Check information page at https://www.nrc.gov/security/chp.html and see the link for How do I determine how much to pay for the request?).</p> <p>* * * *</p> <p>* *</p>			

@@. 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, 37.77(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:
- 37.5 Definitions: *Agreement State, Byproduct material, Commission, fingerprint orders, person,*
 - 37.25(b),
 - 37.27(a) and (c),
 - 37.29(a),
 - 37.71 referring to NRC's license verification system,
 - 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 fingerprint cards or records to Director, Division of Facilities and Cyber Security Policy, U.S. NRC, 11545 Rockville Pike, Rockville, Maryland 20852-2738, ATTN: Criminal History Program, Mail Stop T-07D04M
- 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, 32399-1741; telephone (850) 245-4545.
2. Licensee required reports of events or notifications in 37.57, 37.77(a)-(d), 37.81, for both regular mail and overnight mail shall use Department of Health, Bureau of Radiation Control, 2100 All Children's Way, Orlando, FL 32818-5269; telephone (407) 297-2095.

Commented [SMN1]: RATS 2018-2 37.81(g)
RATS 2018-3 37.23(b)(2), 37.43(d)(2) & (3) and (d)(5)-(8),
37.45(b), 37.77(a)(1), NOT EXCLUDED
RATS 2019-1 37.23(b)(2) NOT EXCLUDED

Commented [SMN2]: RATS 2018-2 37.77 9a)-(d) 37.77(e)
and (f) (NA Title change but goes to State not NRC titles)

Commented [SMN3]: RATS 2019-1 37.27(c)(1) & (2)

Organizational Changes and Conforming Amendments
10 CFR Parts 1, 2, 37, 40, 50, 51, 52, 55, 71, 72, 73, 74, 100, 140, and 150
[\(84 FR 65639](#), Published November 29, 2019 and [84 FR 66561](#), Published December 5, 2019)

RATS ID: 2019-2

Effective Date: December 30, 2019

Date Due for State Adoption: December 30, 2022

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
§ 37.7(a)	Communications		D	In § 37.7(a), remove “; Director, Office of New Reactors;”.			
§ 40.64(a) & (b)(2)	Reports		NRC	In § 40.64(a) and (b)(2), remove “Division of Fuel Cycle Safety, Safeguards, and Environmental Review” and add in its place “Division of Fuel Management”.			
§ 71.1	Communications and Records		D	In § 71.1 wherever it appears, remove “Division of Spent Fuel Management” and add in its place “Division of Fuel Management”.			
§ 71.17(c)(3)	General License: NRC approved package	See Proposed LC	B	In § 71.17(c)(3), remove “Division of Spent Fuel Storage and Transportation” and add in its place “Division of Fuel Management”.	N	N	LC
§ 71.95	Reports		D	In § 71.95 wherever it appears, remove “Division of Spent Fuel			

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
				Management” and add in its place “Division of Fuel Management”.			
§ 71.101	Quality Assurance requirements	See Proposed LC	C	<p>In § 71.101 wherever it appears, remove “Division of Spent Fuel Management” and add in its place “Division of Fuel Management”.</p> <p>[NOTE: This does not apply to 71.101(c)(1) for the Agreement States, since this subsection in the equivalent Agreement State regulations should require that the quality assurance plan be sent to the State agency and not to the NRC.</p>	N	N	LC
§ 150.16	Submission to Commission of nuclear material transaction reports		NRC	<p>Wherever it appears, remove “Division of Fuel Cycle Safety, Safeguards, and Environmental Review” and add in its place “Division of Fuel Management”; and</p> <p>b. Wherever it appears, remove “Division of Fuel Cycle Safety and Safeguards” and add</p>			

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
				in its place "Division of Fuel Management".			
§ 150.17	Submission to Commission of nuclear material transaction reports		NRC	<p>Wherever it appears, remove "Division of Fuel Cycle Safety, Safeguards, and Environmental Review" and add in its place "Division of Fuel Management"; and</p> <p>b. Wherever it appears, remove "Division of Fuel Cycle Safety and Safeguards" and add in its place "Division of Fuel Management".</p>			

Reference link to NRC's Part 71 Compatibility table
<https://www.nrc.gov/cdn/nmss/pdf/10cfr71.pdf>

Commented [SMN1]: Link used to get all of part 71 that AS are responsible for compatibility

Transportation LC Part 71 for RATS 2015-3, 2018-2, 2018-3, 2019-2, 2020-3

@@. In lieu of Rules 64E-5.1501 through 64E-5.1506 and 64E-5.1510, F.A.C., the licensee shall comply with title 10 Code of Federal Regulations. Part 71 except as follows:

- A. Sections 71.6, 71.7, 71.9 through 71.12, 71.14(b), 71.19, 71.31 through 71.45, 71.51 through 71.77, 71.85(a)-(c), 71.91(b), 71.93, 71.95, 71.99, 71.100, 71.101(c)(2), 71.101(d) & (e), 71.103(c)-(f), 71.107 through 71.125.
- B. Any reference using words "NRC", "Commission", "Nuclear Regulatory Commission" or "Administrator of the appropriate Regional Office" shall be deemed a reference Florida Department of Health except when used in 10 CFR 71.5(b), 71.10, 71.17(c)(3) and (e), 71.88(a)(4), 71.97(c) and (f), and 71.133
- C. NRC is the sole authority for issuing a package Certificate of Compliance.
- D. Rule 64E-5.1506 references in 64E-5.1507 and 64E-5.1508, F.A.C., are to be replaced with 10 CFR 71.97

Commented [SMN2]: RATS 2015-3 71.4 Definitions
RATS 2015-3 71.14(a)(1)-(a)(3)
RATS 2015-3 71.15(d)
RATS 2015-3 71.17
RATS 2015-3 71.21
RATS 2015-3 71.85(a)-(c) & (d) new
RATS 2015-3 71.91(a)
RATS 2015-3 71.91(c) & (d)
RATS 2015-3 71.101(a), (b) & (c)(1) & (g)
RATS 2015-3 71.103(a) & (b)
RATS 2015-3 71.106 new
RATS 2015-3 71.135
RATS 2015-3 71 Appendix Table A-1
RATS 2015-3 71 Appendix Table A-2
RATS 2015-3 71 Appendix Table A-3

RATS 2018-2 71.97 title change
RATS 2018-3 71.97(c)(3) title change
RATS 2019-2 71.101(c)(3) title change (NA for Agreement States)
RATS 2020-3 71.97(c)(3)(i) title change
RATS 2020-3 Appendix A Part 71 Table A-1

Reference documents below not included in the license condition.
Florida's transportation rules kept and not required for NRC compatibility.
Source: State of Florida Official Rules for Department of State.
<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=64E-5>

Commented [SMN3]: Florida Rules
64E-6.1507 Designation of Routes for Shipments of Radioactive Waste Requiring Advanced Notification, 64E-5-1508 Inspection of Low-Level Radioactive Waste Shipments,
64E-5.1509 Permit Requirements,
64E-5.1511 Notification in the Event or Suspected or Real Breach of Containment,
64E-5.1512 Inspections, and
64E-5.1513 Communications
are not required in Part 71 but a few cross-reference rules replaced via license condition. This text list the replacement reference.

64E-5.1507 Designation of Routes for Shipment of Radioactive Waste Requiring Advance Notification.

(1) The Department may designate routes within the State of Florida for all shipments requiring advanced notification under Rule 64E-5.1506, F.A.C. Factors that the Department will consider in the designation of routes for shipments requiring advanced notifications are:

- (a) Population density in the vicinity of available highways;
- (b) Accident rates of available highways;
- (c) Transit time;
- (d) Time and day of the week during which the shipment is to occur; and,
- (e) Routes that may have been previously designated by other states.

(2) In lieu of the Department's designation of routes, the interstate highway system and limited access roadways are preferred for transportation of radioactive waste requiring advanced notification pursuant to Rule 64E-5.1506, F.A.C.

64E-5.1508 Inspection of Low-Level Radioactive Waste Shipments.

(1)(a) All persons licensed by the Department to use, manufacture, produce, transfer, transport, receive, acquire, own, process or possess radioactive materials, as well as nuclear power plants licensed by the U.S. Nuclear Regulatory Commission, and who desire to ship radioactive waste, including radioactive waste requiring advance notification as specified in Rule 64E-5.1506, F.A.C., to a low-level radioactive waste treatment, storage or disposal facility, shall notify the Department no less than 48 hours prior to departure of the shipment. The notification shall be made in writing or by telephone.

(b) Each notification must contain the following information:

1. The name, address and telephone number of the generator,
2. The name and telephone number of the contact person, designated by the generator, with whom the Department may make arrangements for the inspection,
3. The name and telephone number of the carrier,
4. The location of departure, if different from the address of the generator,
5. The scheduled date and time of departure; and,
6. The proposed route to the low-level radioactive waste facility.

(2) Upon notification from a licensee or nuclear power plant licensed by the U.S. Nuclear Regulatory Commission, the Department shall dispatch an authorized representative to the licensee's facility to inspect the shipment of radioactive waste destined for a low-level radioactive waste treatment, storage or disposal facility. The inspection shall include:

- (a) Surveys of the external radiation levels of the vehicle;
- (b) Inspection of package integrity, bracing and blocking, if accessible;
- (c) Verification of required package marking and labeling, if accessible;
- (d) Verification of required vehicle placarding; and,
- (e) Examination of the shipping papers for compliance with the regulations of the U.S. Department of Transportation.

(3) Licensees or nuclear power plants licensed by the U.S. Nuclear Regulatory Commission shall also provide the Department's representative the following information or material during the course of inspection of the low-level radioactive waste shipment:

- (a) Time of departure of shipment;
- (b) Proposed route of the shipment to the low-level radioactive waste facility;
- (c) Estimated time of arrival of the shipment at the low-level radioactive waste facility;
- (d) The carrier's name;
- (e) A complete and legible copy of the bill of lading; and,
- (f) A complete and legible copy of the radioactive shipment manifest.

(4) If the shipment of low-level radioactive waste is found to be in compliance with the regulations of the U.S. Department of Transportation, the Department's representative shall affix his initials on the bill of lading and the shipment may then proceed to the low-level radioactive waste facility. If the shipment of low-level radioactive waste is found to be in violation of the regulations of the U.S. Department of Transportation by the Department's representative, the licensee shall not allow the shipment to leave the boundaries of his facility until the violation is corrected and the Department's representative affixes his initials on the bill of lading signifying the shipment is in compliance.

(5) Licensees or nuclear power plant licensees of the U.S. Nuclear Regulatory Commission shall, within 72 hours of receiving notice of the arrival of their shipment at its destination for unloading, notify the Department of such arrival. The licensee shall also forward to the Department within 2 weeks of receiving notice of the arrival of the shipment at a destination for unloading, records of receipt and any other records indicating that a shipment was found in violation of the low-level radioactive waste treatment, storage or disposal facility's or host state's rules or regulations.

(6) Each generator of radioactive waste whose shipment is inspected by the department's representative will be billed quarterly by the department a fee of \$1.95 per cubic foot (0.02832 cubic meter) of waste shipped or \$150.00 per shipment inspected, whichever is greater. This quarterly billing will be paid to the Department within 30 days of receipt of the bill.

64E-5.1509 Permit Requirements.

(1) Any carrier who transports low-level radioactive waste destined for a low-level radioactive waste treatment, storage or disposal facility, prior to entrance into the State of Florida, shall obtain a permit from the Department for transporting such waste into the State.

(a) An application for a permit must contain the following information or material:

1. Name, address and telephone number of the carrier; and,
2. Certification statement that the carrier will comply with this part and the regulations of the U.S. Department of Transportation.

(b) Each application for a permit must be accompanied by an annual fee of \$100. Permits shall be valid for 365 days following the date of issue. Permit fees are not refundable. Permits may not be transferred or assigned to another carrier.

(2)(a) Before any shipment of low-level radioactive waste may be transported into or through the State, the permitted carrier shall give written or telephonic notice to the Department not less than 48 hours prior to the date of the arrival of the shipment at the borders of the State. The carrier must provide the Department with the following information in the notice:

1. The expected date and time the shipment will arrive at the borders of the State,
2. The estimated time the shipment will remain in the State,
3. An estimate of the radioisotopes contained within the shipment,
4. An estimate of the total activity, in curies, contained within the shipment,
5. An estimate of the total volume, in cubic feet, contained within the shipment; and,
6. The proposed route over which the shipment will be transported.

(b) The carrier must immediately notify the Department of any cancellations or changes of information provided in the prior notification, such as changes in the date of shipment arrival, the length of time the shipment will remain in the State, or the description or quantity of the radioactive waste contained within the shipment.

(3) Any permit issued pursuant to subsection 64E-5.1509(1), F.A.C., may be suspended if the Department has reasonable cause to suspect that the continued shipment of low-level radioactive waste presents a hazard to the public health. Grounds for suspension of a permit may include failure to include the information requested pursuant to subsection 64E-5.1509(2), F.A.C., falsification of information submitted on the application for a permit, or violation of Florida law or Department regulations. Prior to the suspension of a permit, the holder of the permit shall be notified in writing that the permit will be suspended and that an opportunity for an administrative hearing will be provided, if requested in writing within 30 days of the receipt of the notice of the intent to suspend the permit. The Department may remove the suspension at any time if the Department determines that the suspected hazard no longer exists.

(4) All applications for permits and prior notifications of impending shipments shall be addressed to the Department as outlined in subsection 64E-5.1513(2), F.A.C.

64E-5.1511 Notification in the Event of Suspected or Real Breach of Containment.

In addition to the reporting requirements of the U.S. Department of Transportation, any carrier transporting radioactive material in the State shall notify the Department immediately in the event the carrier suspects or knows of a breach in the containment of the radioactive material being transported. Notification shall be made as described in subsection 64E-5.1513(2), F.A.C.

64E-5.1512 Inspections.

(1) A department representative is authorized to inspect any record of persons engaged in the transportation of a radioactive material where such records reasonably relate to packaging, preparing for shipment and transporting radioactive material.

(2) A department representative is authorized to enter upon and inspect the premises and transport vehicles of any person engaged in the transportation of radioactive material for the purpose of determining compliance with or violation of the provisions of Section 404.20, F.S., and these regulations.

(3) The Department may investigate the cause and circumstances of every event in which notification was made pursuant to Rule 64E-5.1511, F.A.C.

Individual Monitoring Devices
10 CFR Parts 34, 36, and 39
([85 FR 15347](#), Published March 18, 2020)
RATS ID: 2020-1
Effective Date: June 16, 2020
Date Due for State Adoption: June 16, 2023

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
§ 34.47	Personnel monitoring	64E-5.437 (1)(a) and 64E-5.437(2) and 64E-5.437(4) and 64E-5.440 (Record keeping requirements referenced in 34.47(f) to 34.83 are noted in Existing Rule)	C	In § 34.47: a. In paragraph (a) introductory text remove the phrase “that is processed and evaluated by an accredited National Voluntary Laboratory Accreditation Program (NVLAP) processor”; b. Revise paragraph (a)(3); c. Remove paragraph (a)(4); and	Y	Y	Florida rule 64E-5.437(1)(a) requires NVLAP approval which is more restrictive and allowed

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
				<p>d. Revise paragraphs (d) and (f). to read as follows:</p> <p>(a) * * *</p> <p>(3) Film badges must be replaced at least monthly and all other personnel dosimeters that require replacement must be replaced at least quarterly. All personnel dosimeters must be evaluated at least quarterly or promptly after replacement, whichever is more frequent.</p> <p>* * * * *</p> <p>(d) If an individual's pocket chamber is found to be off-scale, or if his or her electronic</p>			<p>under Cat C [34.47(a)]</p> <p>Florida rule 64E-5.437(2) require all personnel monitoring (film and other) to be exchanged monthly which is more restrictive and allowed under Cat C</p>

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
				<p>personal dosimeter reads greater than 2 millisieverts (200 millirems), and the possibility of radiation exposure cannot be ruled out as the cause, the individual's personnel dosimeter that requires processing must be sent for processing and evaluation within 24 hours. For personnel dosimeters that do not require processing, evaluation of the dosimeter must be started within 24 hours. In addition, the individual may not resume work associated with licensed material use until a determination of the individual's radiation dose has been made. This determination</p>			<p>[34.47(a)(3)]</p> <p>Florida rule retains the equivalent 10 CFR 34.47(a)(4) which is more restrictive and allowed under Cat C.</p> <p>Florida rule 64E-5.437(4) has the same requirement</p>

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
				<p>must be made by the RSO or the RSO's designee. The results of this determination must be included in the records maintained in accordance with § 34.83.</p> <p>* * * * *</p> <p>(f) Dosimetry results must be retained in accordance with § 34.83.</p> <p>* * * * *</p>			<p>in 10 CFR 34.47(d) as allowed under Cat C</p> <p>Florida rule 64E-5.440 has all of the elements of 10 CFR 34.83 as allowed under Cat C</p>
§ 34.83	Records of personnel monitoring	64E-5.440(2)(g)	C	<p>In § 34.83(c):</p> <p>Remove the phrase “received from the accredited NVLAP processor”.</p>	Y	Y	Florida rule 64E-5.440(2)(g) keep the record

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
							keeping requirement for NVLAP processor which is more restrictive than 10 CFR 34.83(c) which is allowed under Cat 3
§ 36.55	Personnel monitoring	64E-5.1418(1)	H&S	<p>In § 36.55, revise paragraph (a) to read as follows:</p> <p>(a) Irradiator operators shall wear a personnel dosimeter while operating a panoramic</p>	Y	Y	Florida rule 64E-5.1418(1) requires NVLAP approval

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
				<p>irradiator or while in the area around the pool of an underwater irradiator. The personnel dosimeter must be capable of detecting high energy photons in the normal and accident dose ranges. Each personnel dosimeter must be assigned to and worn by only one individual. Film badges must be replaced at least monthly and all other personnel dosimeters that require replacement must be replaced at least quarterly. All personnel dosimeters must be evaluated at least quarterly or promptly after</p>			<p>which is more restrictive and allowed under H&S adequacy requirements [36.55]</p>

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
				<p>replacement, whichever is more frequent.</p> <p>* * * * *</p>			
§ 39.65	Personnel monitoring devices	64E-5.1112	C	<p>In § 39.65, revise paragraph (a) to read as follows:</p> <p>(a) The licensee may not permit an individual to act as a logging supervisor or logging assistant unless that person wears a personnel dosimeter at all times during the handling of licensed radioactive materials. Each personnel dosimeter must be assigned to and worn by only one individual. Film badges must be replaced at least</p>	Y	Y	Florida rule 64E-5.1112 requires NVLAP approval which is more restrictive and allowed under Cat C requirements [39.65]

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
				<p>monthly and all other personnel dosimeters that require replacement must be replaced at least quarterly. All personnel dosimeters must be evaluated at least quarterly or promptly after replacement, whichever is more frequent.</p> <p>* * * * *</p>			

64E-5.437 Personnel Monitoring.

(1) The licensee or registrant shall not permit any individual to act as a radiographer or a radiographer's assistant unless the individual wears on the trunk of his or her body at all times during radiographic operations:

(a) A NVLAP-approved personnel monitoring badge such as a film badge, thermoluminescent dosimeter (TLD) or optically stimulated luminescent device (OSLD);

(b) A direct reading pocket dosimeter, which can be either an ion chamber or electronic personal dosimeter; and,

(c) An alarming ratemeter. Alarm ratemeters are not required for radiography performed in an approved permanent radiographic installation meeting the requirements of Rule 64E-5.431, F.A.C.

(2) Each personnel monitoring badge shall be assigned to and worn by only one individual and shall be exchanged monthly.

After exchange each badge shall be processed as soon as possible. If a report is received from the badge processor that indicates an individual has received a radiation exposure in excess of 5 rem (0.05 Sv), the licensee or registrant shall notify the department within 24 hours as specified in subsection 64E-5.344(2), F.A.C. If a personnel monitoring badge is lost or damaged, the worker shall cease work immediately until a replacement badge is provided and the exposure is calculated by the RSO or the RSO's designee for the time period from issuance to loss or damage of the badge. The results of the calculated exposure and the time period for which the personnel monitoring badge was lost or damaged shall be provided to the processor to adjust the individual's occupational exposure record.

(3) Pocket dosimeters shall have a range from 0 to 200 millirem (2 mSv) and shall be recharged at the start of each shift and when 75% of the full scale of the dosimeter is exceeded. Initial, final, and total pocket dosimeter readings shall be recorded at the start and end of each shift.

(4) If an individual's pocket dosimeter is found to be off-scale or if an individual's electronic personal dosimeter reads more than 200 millirem (2 mSv) and the possibility of radiation exposure cannot be ruled out as the cause, the individual's personnel monitoring badge shall be sent for processing within 24 hours. In addition, the individual shall not resume radiographic operations until a determination of the individual's radiation exposure has been made by the RSO or the RSO's designee. The results of this determination shall be reported in writing to the department within 30 days of the determination.

(5) Each alarming ratemeter shall:

(a) Have a function test without being exposed to radiation to ensure that the audible alarm is functioning properly before use at the start of each work shift;

(b) Give an alarm at a preset dose rate of no more than 500 millirem (0.5 mSv) per hour; and,

(c) Require special means to change the preset alarm function.

(6) Pocket dosimeters and alarm ratemeters shall be calibrated annually for correct response to radiation by a person licensed by the department, another agreement state, licensing state, or the NRC. Acceptable dosimeters shall read within 20% of the true radiation exposure. Ion chamber dosimeters also shall be checked for response to drift by setting the dosimeter at zero and storing it in a low background area for at least 24 hours and for electrical leakage, which shall be no more than 1% of full scale for each 24 hours. Acceptable ratemeters shall alarm within 20% of the true radiation dose rate.

Rulemaking Authority 404.051 FS. Law Implemented 404.022, 404.051(1), (4), 404.081(1), (2) FS. History--New 9-11-01.

Commented [SMN1]: RATS 2020-1 10 CFR 34.47(a) Category C. Florida rules retains the NVLAP approved requirement which is more restrictive than NRC text.

Commented [SMN2]: RATS 2020-1 10 CFR 34.47(a)(3) Category C. Florida rules require all personnel monitoring (film and other) to be exchanged monthly which is more restrictive than NRC text.

Commented [SMN3]: RATS 2020-1 10 CFR 34.47(d) Category C.

64E-5.440 Records.

(1) Each licensee or registrant shall maintain the following records for 3 years after the event at the location specified in Rule 64E-5.432, F.A.C., for inspection by the Department:

(a) Survey instrument, dosimeter, and alarm ratemeter calibrations specified in Rule 64E-5.426 and subsections 64E-5.437(5)-(6), F.A.C.;

(b) Leak test results specified in Rule 64E-5.427, F.A.C., which shall contain the manufacturer's name, model, and serial number of each sealed source or device tested, including the device the source was stored in, the identity of each radionuclide, the estimated activity of each sealed source, the measured activity of each test sample expressed in microcuries (becquerels), the date of the test, and the signature or initials of the RSO or the RSO's designee;

(c) Quarterly inventories specified in Rule 64E-5.428, F.A.C., which shall include the name of the person conducting the inventory, the radionuclide, number of curies (becquerels) or mass in each device, location of each sealed source, device, and machine, the manufacturer, model, and serial number of each sealed source, device, and machine, the date of the inventory, and the signature or initials of the RSO or the RSO's designee;

(d) Source movement logs and daily survey reports specified in Rule 64E-5.429, F.A.C.;

(e) Quarterly equipment inspection and maintenance specified in subsection 64E-5.430(2), F.A.C., including the date of the inspection, the name of inspector, the equipment involved, any problems found, and what repair or maintenance was done;

(f) Operation tests on permanent radiographic installation entrance controls and audible and visual alarms specified in Rule 64E-5.431, F.A.C.;

(g) Records of internal audits specified in subsection 64E-5.434(8), F.A.C., including lists of audit items checked and any violations observed;

(h) Records showing receipts and transfers of sealed sources and devices using DU for shielding, including the date, the name of the individual making the record, radionuclide, number of curies (becquerels) or mass, manufacturer, model, and serial number of each sealed source and device, as appropriate;

(i) Records of annual ALARA audits specified in paragraph 64E-5.432(4)(c), F.A.C.

(2) Each licensee or registrant shall maintain the following records until the Department terminates the license or registration requiring the record:

(a) Individual dosimeter logs specified in Rule 64E-5.429, F.A.C.;

(b) Initial and refresher radiation safety training specified in Rule 64E-5.434, F.A.C., including lists of the topics discussed, dates the training was conducted, names of the instructors and attendees, and written and practical examinations;

(c) Verification of previous radiography experience;

(d) Radiographer certification documents specified in paragraph 64E-5.434(2)(d), F.A.C., and verification of certification status;

(e) Records of personnel exposure investigations specified in paragraph 64E-5.432(4)(b), F.A.C., including the names of the individuals involved, the exposures received, the dates the exposures were received, a description of the cause of the exposures, the corrective actions taken, and the signature of the RSO;

(f) Records of estimates of exposures as a result of off-scale dosimeters or lost or damaged personnel monitoring badges, including records of surveys used to determine an individual's exposure and reports submitted to the department as specified in subsection 64E-5.437(3), F.A.C.;

(g) Personnel monitoring badge records from the accredited NVLAP processor as specified in subsection 64E-5.437(2), F.A.C.; and,

(h) Operating and emergency procedures. Licensees shall retain superseded material for 3 years after making changes to operating or emergency procedures.

(3) Each licensee or registrant conducting industrial radiography at a temporary job site shall have the following records available at that site for inspection by the department:

(a) Appropriate license or registration;

(b) Certification by a certifying entity;

(c) Operating and emergency procedures;

(d) Rules contained in Chapter 64E-5, Parts I-IV, IX, and XV, F.A.C.;

(e) Calibration records for the survey instruments, pocket dosimeters, and alarm ratemeters used at the site or calibration tags or labels that are affixed to the devices;

Commented [SMN1]: Three year requirement 34.83(a) Cat C

Commented [SMN2]: 34.83(a) and (b) Cat C

Commented [SMN3]: (2) Keep until termination requirements Cat C

Commented [SMN4]: (2)(a) = 34.83(c) Cat C

Commented [SMN5]: (2)(f) = 34.83(d)Cat C

Commented [SMN6]: RATS 2020-1 Compatibility Cat C 10 CFR 34.83(c) Florida more restrictive by keeping NVLAP processor requirements

(f) Records of the latest leak test results for the specific devices in use at the site or leak test tags or labels that are affixed to the devices; and,

(g) Source movement logs and daily survey reports for the period of operation at the site.

Rulemaking Authority 404.051 FS. Law Implemented 404.022, 404.051(1), (4), 404.081(1), 404.20 FS. History--New 9-11-01, Amended 9-28-06, 2-28-08.

64E-5.1418 Personnel Monitoring.

(1) Irradiator operators shall wear either a film badge, OSLD or a TLD while operating a panoramic irradiator or while in the area around the pool of an underwater irradiator. The film badge, OSLD, and TLD processor must be accredited by NVLAP for high energy photons in the normal and accident dose ranges. Each film badge, OSLD, and TLD must be assigned to and worn by only one individual. Film badges must be replaced at least monthly and OSLDs and TLDs must be replaced at least quarterly. After replacement, each film badge, OSLD, and TLD must be processed promptly.

(2) Other individuals who enter the radiation room of a panoramic irradiator shall wear a dosimeter, which can be a pocket dosimeter. For groups of visitors, only two people are required to wear dosimeters. Date of entry, all names and total dose must be recorded. If pocket dosimeters are used to meet the requirements of this paragraph, a check of their response must be done at least annually. Acceptable dosimeters must read within 30 percent of the true radiation dose.

Rulemaking Authority 404.051(4) FS. Law Implemented 404.051(1), (5), (6), 404.061, 404.081, 404.141 FS. History—New 8-14-96, Formerly 10D-91.1518, Amended 10-8-00.

Commented [SMN1]: RATS 2020-1 H&S adequacy 10 CFR 36.55. Florida's current rule is more restrictive.

64E-5.1112 Personnel Monitoring.

No licensee or registrant shall permit any individual to act as a logging supervisor or to assist in the use of sources of radiation unless such individual wears a film badge, optically stimulated luminescent device (OSLD), or a thermoluminescent dosimeter (TLD) that is processed and evaluated by an accredited NVLAP processor. Each film badge, OSLD, or TLD shall be assigned to and worn by only one individual. Film badges shall be replaced at least monthly and OSLDs and TLDs shall be replaced at least quarterly. Each film badge, OSLD, and TLD shall be processed promptly after replacement. The licensee shall retain records of personnel dosimeters and bioassay results until the Department terminates each pertinent license or registration requiring the records.

Rulemaking Authority 404.051, 404.061, 404.081 FS. Law Implemented 404.022, 404.051(1), (4), 404.061(2), 404.081(1), (2) FS. History--New 7-17-85, Amended 5-15-96, Formerly 10D-91.1213, Amended 10-8-00, 9-28-06.

Commented [SMN1]: RATS 2020-1 10 CFR 39.65 H&S adequacy. Florida rule require NVLAP which is more restrictive.

Social Security Number Fraud Prevention
10 CFR Parts 9 and 35
[\(85 FR 33527, Published June 2, 2020 and 85 FR 44685 \(confirmation of effective date\)\)](#)

RATS ID: 2020-2

Effective Date: August 17, 2020

Date Due for State Adoption: August 17, 2023

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
§ 35.3045(g)(1)(ii)	Report and notification of a medical event	See proposed Medical License Condition.	C	<p>In § 35.3045, revise paragraph (g)(1)(ii) to read as follows:</p> <p style="text-align: center;">* * * * *</p> <p>(g) * * *</p> <p>(1) * * *</p> <p style="text-align: center;">(ii) Identification number or if no other identification number is available, the social security number of the individual who is the subject of the event; and</p> <p style="text-align: center;">* * * * *</p>	N	N	
§ 35.3047(f)(1)(ii)	Report and notification of a dose to an embryo/fetus or a nursing child	See proposed Medical License Condition.	C	<p>In § 35.3047, revise paragraph (f)(1)(ii) to read as follows:</p> <p style="text-align: center;">* * * * *</p> <p>(f) * * *</p>	N	N	

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
				(1) * * * (ii) Identification number or if no other identification number is available, the social security number of the individual who is the subject of the event; and * * * * *			

@. The licensee must comply with the requirements of Title 10 Code of Federal Regulations Sections 35.3045(g) and 35.3047(f) regarding annotated reports of medical events and dose to an embryo/fetus or nursing child. Any reference to the NRC shall be deemed to be a reference to the Florida Department of Health.

Commented [SMN1]: RATS 2020-2 35.3045(g)(1)(ii) and 35.3047(f)(1)(ii) SSN's in reports

@. For Rules 64E-5.652(1), 64E-5.655(1)(a), 64E-5.660(1)(a) the 'Committee on Post-Graduate Training' of the American Osteopathic Association is renamed as the "Council on Postdoctoral Training" of the American Osteopathic Association

Commented [SMN2]: RATS 2020-3 35.690(a)(1), 35.490(a)(1), and 35.390(a)(1) 'Committee on Post-Graduate Training' of the American Osteopathic Association is renamed as the "Council on Postdoctoral Training" of the American Osteopathic Association
BELOW: The applicable portion of Florida equivalent rule are listed for comparison.

Source: State of Florida Official Rules for Department of State.
<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=64E-5>

64E-5.652 Training for Use of Manual Brachytherapy Sources.

Except as provided in Rule 64E-5.657, F.A.C., the licensee shall require the authorized user of a brachytherapy source specified in Rule 64E-5.632, F.A.C., to:

(1) Be certified by a medical specialty board whose certification process has been recognized by the NRC or an agreement state, and who meets the requirements in paragraph 64E-5.652(2)(c), F.A.C., of this section. (The names of board certifications which have been recognized by the NRC or an agreement state will be posted on the NRC's Web page at <http://www.nrc.gov/materials/miau/med-use-toolkit/spec-board-cert.html>.) To have its certification process recognized, a specialty board shall require all candidates for certification to:

(a) Successfully complete a minimum of 3 years of residency training in a radiation oncology program approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the **Committee on Post-Graduate Training** of the American Osteopathic Association; and

64E-5.655 Training for Use of Remote Afterloader Units, Teletherapy Units, and Gamma Stereotactic Radiosurgery Units.

Except as provided in Rule 64E-5.657, F.A.C., the licensee shall require the authorized user of a sealed source specified in Rule 64E-5.634, F.A.C., to:

(1) Be certified by a medical specialty board whose certification process has been recognized by the NRC or an agreement state and who meets the requirements in paragraph 64E-5.655(2)(c) and subsection 64E-5.655(3), F.A.C., of this section. (The names of board certifications which have been recognized by the NRC or an agreement state will be posted on the NRC's Web page at <http://www.nrc.gov/materials/miau/med-use-toolkit/spec-board-cert.html>.) To have its certification process recognized, a specialty board shall require all candidates for certification to:

(a) Successfully complete a minimum of 3 years of residency training in a radiation therapy program approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the **Committee on Post-Graduate Training** of the American Osteopathic Association; and.....

64E-5.660 Training for Use of Unsealed Radioactive Material for Which a Written Directive Is Required in Rule 64E-5.626, 64E-5.627 or 64E-5.630, F.A.C.

Except as provided in Rule 64E-5.657, F.A.C., the licensee shall require the authorized user of unsealed radioactive materials specified in Rule 64E-5.626, 64E-5.627 or 64E-5.630, F.A.C., which require a written directive to:

(1) Be certified by a medical specialty board whose certification process has been recognized by the NRC or an agreement state and who meets the requirements in sub-subparagraphs 64E-5.660(2)(a)2.g. and paragraph 64E-5.660(2)(b), F.A.C., of this section. (Specialty boards whose certification processes have been recognized by the NRC or an agreement state will be posted on the NRC's Web page at <http://www.nrc.gov/materials/miau/med-use-toolkit/spec-board-cert.html>.) To be recognized, a specialty board shall require all candidates for certification to:

(a) Successfully complete residency training in a radiation therapy or nuclear medicine training program or a program in a related medical specialty. These residency training programs must include 700 hours of training and experience as described in subparagraph 64E-5.660(2)(a)1. through sub-subparagraph 64E-5.660(2)(a)2.e., F.A.C., of this section. Eligible training programs must be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, or the **Committee on Post-Graduate Training** of the American Osteopathic Association; and.....

Miscellaneous Corrections
10 CFR Parts 1, 2, 19, 20, 21, 30, 34, 35, 40, 50, 51, 52, 60, 61, 62, 63, 70, 71, 72, 73, 74, 75, 76, 110, and 140
(85 FR 65656)

RATS ID: 2020-3

Effective Date: November 16, 2020
Date Due for State Adoption: November 16, 2023

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
§ 19.8(b)	Information collection requirements: OMB approval		D	Revised to read as follows: (b) The approved information collection requirements contained in this part appear in §§ 19.12, 19.13, 19.16, and 19.31.	NA		
§ 20.1906(d)	Procedures for receiving and opening packages	64E-5.327(4)	H&S	Revised to read as follows: (d) The licensee shall immediately notify the final delivery carrier and the NRC Headquarters Operations Center by telephone at the numbers specified in appendix A to part 73 of this chapter, when— * * * * *	Y	N	FL rule notifies the department instead of NRC
§ 20.2201(a)(2)(ii)	Reports of theft or loss of licensed material	64E-5.343(1)	C	Revised to read as follows: (a) * * * (2) * * *	y	n	FL Rule Reports to department

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
				(ii) All other licensees shall make reports by telephone to the NRC Headquarters Operations Center at the numbers specified in appendix A to part 73 of this chapter. * * * *			instead of NRC
§ 20.2202(d)(2)	Notification of incidents	64E-5.344(4)	C	Revised to read as follows: (d) * * * (2) All other licensees shall make the reports required by paragraphs (a) and (b) of this section by telephone to the NRC Headquarters Operations Center at the numbers specified in appendix A to part 73 of this chapter. * * * *	Y	N	FL rule Reports to department instead of NRC
Appendix D to Part 20	United States Nuclear Regulatory Commission Offices		D	In the first row of the table in appendix D to part 20, remove the title "Division of Incident Response Operations" and add in its place "Division of Preparedness and Response" and remove the email "H001@nrc.gov" and add in its place "Hoo.Hoc@nrc.gov".	NA		

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
§ 30.50(c)(1)	Reporting requirements	64E-5.344(4)	C	Revised to read as follows: * * * * * (c) * * * (1) Licensees shall make reports required by paragraphs (a) and (b) of this section by telephone to the NRC Headquarters Operations Center at the numbers specified in appendix A to part 73 of this chapter. * * * * * *	Y	N	FL rule Reports to department instead of NRC
§ 34.8(b)	Information collection requirements: OMB approval		D	In § 34.8(b), add "34.111," in numerical order.	NA		
§ 35.390(a)(1)	Training for use of unsealed byproduct material for which a written directive is required	See Proposed Medical License Condition.	B	In § 35.390(a)(1), remove "Committee on Post-Graduate Training" and add in its place "Council on Postdoctoral Training".	N	N	
§ 35.490	Training for use of manual brachytherapy sources	See Proposed Medical License Condition.	B	In § 35.490, in paragraph (a)(1), remove "Committee on Post-Graduate Training" and add in its	N	N	

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
				<p>place "Council on Postdoctoral Training";</p> <p>And in paragraph (b)(2), remove "Committee on Postdoctoral" and add in its place "Council on Postdoctoral".</p>			
§ 35.690	Training for use of remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units	See Proposed Medical License Condition.	B	<p>In § 35.690, in paragraph (a)(1), remove "Committee on Post-Graduate Training" and add in its place "Council on Postdoctoral Training";</p> <p>And in paragraph (b)(2), remove "Committee on Postdoctoral" and add in its place "Council on Postdoctoral".</p>	N	N	
§ 40.8(b)	Information collection requirements: OMB approval		D	In § 40.8, in paragraph (b) add "40.14," in numerical order, and in paragraph (c)(3) remove "Forms N-71 and associated forms" and add in its place "IAEA Design Information Questionnaire forms".	NA		
§ 40.31(g)(1)	Application for specific licenses		D	In § 40.31(g)(1), remove "Form N-71 and associated forms" and add in its place "IAEA Design Information Questionnaire forms".	NA		

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
§ 40.60(c)(1)	Reporting requirements	64E-5.344(4)	C	Revised to read as follows: (c) * * * (1) Licensees shall make reports required by paragraphs (a) and (b) of this section by telephone to the NRC Headquarters Operations Center at the numbers specified in appendix A to part 73 of this chapter. * * * * * *	Y	N	FL rule Reports to department instead of NRC
§40.67(c) and (d)	Requirement for advance notice for importation of natural uranium from countries that are not party to the Convention on the Physical Protection of Nuclear Material.		NRC	Revised to read as follows: * * * * * (c) The licensee shall notify the Director, Office of Nuclear Security and Incident Response, by telephone at the numbers for the NRC Headquarters Operations Center specified in appendix A to part 73 of this chapter when the shipment is received in the receiving facility. (d) A licensee who needs to amend a notification shall notify the Director, Office of Nuclear	NA		

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
				Security and Incident Response, by telephone at the numbers specified for the NRC Headquarters Operations Center in appendix A to part 73 of this chapter.			
§ 61.8(c)	Information collection requirements: OMB approval		D	In § 61.8(c), remove “Form N-71 and associated forms” and add in its place “IAEA Design Information Questionnaire forms”.	NA		
§ 61.32(a)	Facility information and verification		D	In § 61.32(a), remove “Form N-71 and associated forms” and add in its place “IAEA Design Information Questionnaire forms”.	NA		
§ 70.8(c)(1)	Information collection requirements: OMB approval		D	In § 70.8(c)(1), remove “Form N-71 and associated forms” and add in its place “IAEA Design Information Questionnaire forms”.	NA		
§ 70.21(g)(1)	Filing		NRC	In § 70.21(g)(1), remove “Form N-71 and associated forms” and add in its place “IAEA Design Information Questionnaire forms”.	NA		
§ 70.50(c)(1)	Reporting requirements	64E-5.344(4)	C	Revised to read as follows:	Y	N	FL rule Reports to

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
				<p style="text-align: center;">* * * * *</p> <p style="text-align: center;">(c) * * *</p> <p>(1) Licensees shall make reports required by paragraphs (a) and (b) of this section, and by § 70.74 and appendix A of this part, if applicable, by telephone to the NRC Headquarters Operations Center at the numbers specified in appendix A to part 73 of this chapter. * *</p> <p style="text-align: center;">* * * * *</p>			department instead of NRC
§ 70.52(a)	Reports of accidental criticality		NRC	<p>Revised to read as follows:</p> <p>(a) Each licensee shall notify the NRC Headquarters Operations Center by telephone at the numbers specified in appendix A to part 73 of this chapter within 1 hour after discovery of any case of accidental criticality. * * * * *</p>	NA		
§ 71.97(c)(3)(i)	Advance notification of shipment of irradiated	See proposed Transportation License Condition.	B	<p>In § 71.97, remove and reserve paragraph (c)(3)(i):</p> <p>["A list of the names and mailing addresses of the governors'</p>	N	N	

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
	reactor fuel and nuclear waste			designees receiving advance notification of transportation of nuclear waste was published in the FEDERAL REGISTER on June 30, 1995, 60 FR 34306"]			
Appendix A to Part 71, Table A-1	A1 and A2 Values for Radionuclides Exempt Material Activity Concentrations and Exempt Consignment Activity Limits for Radionuclides	See proposed Transportation License Condition.	[B]	In Appendix A to part 71, in Table A-1, amend the entry radionuclide Sm-147, by removing "8.5 × 10 ⁻¹ " and adding in its place "8.5 × 10 ⁻¹⁰ ".	N	N	

64E-5.327 Procedures for Receiving and Opening Packages.

(1) Each licensee who expects to receive a package containing quantities of radioactive material in excess of A₁ or A₂ quantities as defined in Part XV shall make arrangements to receive:

- (a) The package when the carrier offers it for delivery, or
- (b) The notification of the arrival of the package at the carrier's terminal and to take possession of the package expeditiously.

(2) Each licensee shall:

(a) Monitor the external surfaces of a package for radioactive contamination that are labeled with a Radioactive White I, Yellow II, or Yellow III label as specified in U.S. Department of Transportation regulations in 49 C.F.R. 172.403 and 172.436-440, unless the package contains only radioactive material in the form of gas or in special form as defined in Part XV;

(b) Monitor the external surfaces of a package for radiation levels that are labeled with a Radioactive White I, Yellow II, or Yellow III label as specified in U.S. Department of Transportation regulations in 49 C.F.R. 172.403 and 172.436-440, unless the package contains quantities of radioactive material that are less than or equal to the A₁ or A₂ quantities as defined in Part XV; and,

(c) Monitor all packages known to contain radioactive material for radioactive contamination and radiation levels if there is evidence of degradation of package integrity, such as packages that are crushed, wet, or damaged.

(3) The licensee or registrant shall perform the monitoring required by subsection 64E-5.327(2), F.A.C., as soon as practicable after receipt of the package but not later than 3 hours after the package is received at the licensee's facility if it is received during the licensee's normal working hours, or not later than 3 hours from the beginning of the next working day if it is received after working hours.

(4) The licensee shall immediately notify the final delivery carrier and the department by telephone and telegram, mailgram, or facsimile when:

- (a) Removable radioactive surface contamination exceeds the limits of subsection 64E-5.1505(8), F.A.C., or
- (b) External radiation levels exceed the limits of subsection 64E-5.1505(9), F.A.C.

(5) Each licensee shall:

- (a) Establish, maintain, and retain written procedures for safely opening packages in which radioactive material is received; and,
- (b) Ensure that the procedures are followed and that consideration is given to special instructions for the type of package being opened.

(6) Licensees transferring special form sources in vehicles owned or operated by the licensee to and from a work site are exempt from the contamination monitoring requirements of paragraph 64E-5.327(2)(a), F.A.C., but are not exempt from the monitoring requirement in paragraph 64E-5.327(2)(b), F.A.C., for measuring radiation levels that ensures that the source is still properly lodged in its shield.

Rulemaking Authority 404.051, 404.081 FS. Law Implemented 404.022, 404.051(1), (4), 404.081 FS. History—New 1-1-94, Formerly 10D-91.460.

Commented [SMN1]: RATS 2020-3 Comp H&S 20.1906(d)

64E-5.343 Reports of Stolen, Lost, or Missing Licensed or Registered Sources of Radiation.

(1) Telephone Reports. Each licensee or registrant shall report to the department by telephone the following:

(a) Stolen, lost or missing licensed radioactive material in an aggregate quantity equal to or greater than 1,000 times the quantity specified in State of Florida Bureau of Radiation Control Radioactive Material Requiring Labeling, May 2000, immediately after its occurrence becomes known to the licensee if it appears to the licensee that an exposure could result to individuals in unrestricted areas, or

(b) Lost, stolen, or missing licensed radioactive material in an aggregate quantity greater than 10 times the quantity specified in State of Florida Bureau of Radiation Control Radioactive Material Requiring Labeling, May 2000, that is still missing within 30 days after its occurrence becomes known.

(c) A stolen, lost, or missing radiation machine immediately after its occurrence becomes known.

(2) Written Reports. Each licensee or registrant required to make a report as specified in subsection 64E-5.343(1), F.A.C., shall make a written report to the department setting forth the following information within 30 days after making the telephone report:

(a) A description of the licensed or registered source of radiation involved, including, for radioactive material, the kind, quantity, and chemical and physical form; and, for radiation machines, the manufacturer, model and serial number, type and maximum energy of radiation emitted;

(b) A description of the circumstances under which the loss or theft occurred;

(c) A statement of disposition or probable disposition of the licensed or registered source of radiation involved;

(d) Exposures of individuals to radiation, circumstances under which the exposures occurred, and the possible total effective dose equivalent to persons in unrestricted areas;

(e) Actions that have been or will be taken to recover the source of radiation; and,

(f) Procedures or measures that have been or will be adopted to ensure against a recurrence of the loss or theft of licensed or registered sources of radiation.

(3) Subsequent to filing the written report, the licensee or registrant shall also report additional substantive information on the loss or theft within 30 days after the licensee or registrant learns of such information.

(4) The licensee or registrant shall prepare any report filed with the department as specified in Rule 64E-5.343, F.A.C., so that names of individuals who have received exposure to radiation are stated in a separate and detachable portion of the report.

Rulemaking Authority 404.051, 404.081 FS. Law Implemented 404.022, 404.051(1), (4), 404.081 FS. History—New 1-1-94, Formerly 10D-91.480, Amended 10-8-00.

Commented [SMN1]: RATS 2020-3 Cat C 20.2202(d)(2)

64E-5.344 Notification of Incidents.

(1) Immediate Notification. Regardless of other requirements for notification, each licensee or registrant shall immediately report each event involving a source of radiation possessed by the licensee or registrant that might have caused or threatens to cause any of the following conditions:

(a) An individual to receive:

1. A total effective dose equivalent of 25 rem (0.25 sievert) or more,
2. A lens dose equivalent of 75 rem (0.75 sievert) or more, or
3. A shallow dose equivalent to the skin or extremities or a total organ dose equivalent of 250 rad (2.5 gray) or more, or

(b) The release of radioactive material inside or outside of a restricted area so that if an individual had been present for 24 hours, the individual could have received an intake five times the occupational ALI. This provision does not apply to locations where personnel are not normally stationed during routine operations, such as hot-cells or process enclosures.

(2) Twenty-Four Hour Notification. Each licensee or registrant shall report to the department within 24 hours of discovery of the event each event involving loss of control of a licensed or registered source of radiation possessed by the licensee or registrant that might have caused or threatens to cause any of the following conditions:

(a) An individual to receive in a period of 24 hours:

1. A total effective dose equivalent exceeding 5 rem (0.05 sievert),
2. A lens dose equivalent exceeding 15 rem (0.15 sievert), or
3. A shallow dose equivalent to the skin or extremities or a total organ dose equivalent exceeding 50 rem (0.5 sievert), or

(b) The release of radioactive material inside or outside of a restricted area so that if an individual had been present for 24 hours, the individual could have received an intake in excess of one occupational ALI. This provision does not apply to locations where personnel are not normally stationed during routine operations such as hot-cells or process enclosures.

(3) The licensee or registrant shall prepare each report filed with the department as specified Rule 64E-5.344, F.A.C., so that names of individuals who have received exposure to sources of radiation are stated in a separate and detachable portion of the report.

(4) Licensees or registrants shall make the reports required by subsections 64E-5.344(1) and (2), F.A.C., to the department by telephone, telegram, mailgram, or facsimile to the department.

(5) The provisions of Rule 64E-5.344, F.A.C., do not apply to doses that result from planned special exposures if such doses are within the limits for planned special exposures and are reported as specified in Rule 64E-5.346, F.A.C.

(6) Immediate notification. In addition to the other reporting requirements in these regulations, each licensee shall notify the department as soon as possible but not later than 4 hours after the discovery of an event, such as a fire, explosion, or toxic gas release, that prevents immediate protective actions necessary to avoid exposure to radiation or radioactive materials that could exceed regulatory limits or to avoid releases of licensed material that could exceed regulatory limits.

(7) Twenty-four hour report. Each licensee shall notify the Department within 24 hours after the discovery of any of the following events involving licensed material:

(a) An unplanned contamination event that:

1. Requires access to the contaminated area, by workers or the public, to be restricted for more than 24 hours by imposing additional radiological controls or by prohibiting entry into the area,
2. Involves a quantity of material greater than five times the lowest annual limit on intake of materials as specified in State of Florida Bureau of Radiation Control ALIs, DACs, and Effluent Concentrations, June 2012 (see 64E-5.101, F.A.C.); and,
3. Has access to the area restricted for a reason other than to allow isotopes with a half-life of less than 24 hours to decay prior to decontamination.

(b) An event in which equipment is disabled or fails to function as designed when:

1. The equipment is required by regulation or license condition to prevent releases exceeding regulatory limits, to prevent exposure to radiation and radioactive materials exceeding regulatory limits, or to mitigate the consequences of an accident,
2. The equipment is required to be available and operable when it is disabled or fails to function; and,
3. No redundant equipment is available and operable to perform the required safety function.

(c) An event that requires unplanned medical treatment at a medical facility of an individual with spreadable radioactive contamination on the individual's clothing or body;

(d) An unplanned fire or explosion damaging any licensed material or any device, container, or equipment containing licensed materials when:

Commented [SMN1]: RATS 2020-3 Cat C 20.2202(d)(2) and 30.50(c)(1) and 40.60(c)(1) and 70.50(c)(1)

1. The quantity of material involved is five times the lowest annual limit on intake for material specified in State of Florida Bureau of Radiation Control ALIs, DACs, and Effluent Concentrations, June 2012; and,

2. The damage affects the integrity of the licensed material or its container.

(e) Dose to an embryo/fetus that is greater than 50 mSv (5 rem) dose equivalent that is a result of an administration of radioactive material or radiation from radioactive material to a pregnant individual unless the dose to the embryo/fetus was specifically approved, in advance, by the authorized user as defined in Rule 64E-5.6011, F.A.C.

(f) Dose to a nursing child that is a result of an administration of radioactive material to a breast-feeding individual that meets one of the following:

1. Greater than 50 mSv (5 rem) total effective dose equivalent, or

2. Has resulted in unintended permanent functional damage to an organ or a physiological system of the child, as determined by a physician.

(8) Preparation and submission of reports. Reports made by licensees in response to the requirements of this section must be made as follows:

(a) Licensees shall make reports required by subsections 64E-5.344(6) and (7), F.A.C., by telephone to the department. If the information is available at the time of notification, the information provided in these reports must include:

1. The caller's name and call back telephone number,

2. A description of the event, including date and time,

3. The exact location of the event,

4. The isotopes, quantities, and chemical and physical forms of the licensed material involved; and,

5. Any personnel radiation exposure data available.

(b) Written report. Each licensee who makes a report required by subsections 64E-5.344(6) and (7), F.A.C., shall submit a written follow-up report within 30 days of the initial report. Written reports prepared as required by other regulations may be submitted to fulfill this requirement if the reports contain all of the necessary information. The reports must include the following:

1. A description of the event, including the probable cause and the manufacturer and model number of any equipment that failed or malfunctioned,

2. The exact location of the event,

3. The isotopes, quantities, and chemical and physical form of the licensed material involved,

4. Date and time of the event,

5. Corrective actions taken or planned and the results of any evaluations or assessments; and,

6. The extent of exposure of individuals to radiation or to radioactive materials without identification of the individuals by name.

Rulemaking Authority 404.051 FS. Law Implemented 404.022, 404.051(1), (4), 404.081 FS. History--New 1-1-94, Amended 5-15-96, Formerly 10D-91.481, Amended 10-8-00, 2-11-10, 12-26-13.

@. The licensee must comply with the requirements of Title 10 Code of Federal Regulations Sections 35.3045(g) and 35.3047(f) regarding annotated reports of medical events and dose to an embryo/fetus or nursing child. Any reference to the NRC shall be deemed to be a reference to the Florida Department of Health.

Commented [SMN1]: RATS 2020-2 35.3045(g)(1)(ii) and 35.3047(f)(1)(ii) SSN's in reports

@. For Rules 64E-5.652(1), 64E-5.655(1)(a), 64E-5.660(1)(a) the 'Committee on Post-Graduate Training' of the American Osteopathic Association is renamed as the "Council on Postdoctoral Training" of the American Osteopathic Association

Commented [SMN2]: RATS 2020-3 35.690(a)(1), 35.490(a)(1), and 35.390(a)(1) 'Committee on Post-Graduate Training' of the American Osteopathic Association is renamed as the "Council on Postdoctoral Training" of the American Osteopathic Association
BELOW: The applicable portion of Florida equivalent rule are listed for comparison.

Source: State of Florida Official Rules for Department of State.
<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=64E-5>

64E-5.652 Training for Use of Manual Brachytherapy Sources.

Except as provided in Rule 64E-5.657, F.A.C., the licensee shall require the authorized user of a brachytherapy source specified in Rule 64E-5.632, F.A.C., to:

(1) Be certified by a medical specialty board whose certification process has been recognized by the NRC or an agreement state, and who meets the requirements in paragraph 64E-5.652(2)(c), F.A.C., of this section. (The names of board certifications which have been recognized by the NRC or an agreement state will be posted on the NRC's Web page at <http://www.nrc.gov/materials/miau/med-use-toolkit/spec-board-cert.html>.) To have its certification process recognized, a specialty board shall require all candidates for certification to:

(a) Successfully complete a minimum of 3 years of residency training in a radiation oncology program approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the **Committee on Post-Graduate Training** of the American Osteopathic Association; and

64E-5.655 Training for Use of Remote Afterloader Units, Teletherapy Units, and Gamma Stereotactic Radiosurgery Units.

Except as provided in Rule 64E-5.657, F.A.C., the licensee shall require the authorized user of a sealed source specified in Rule 64E-5.634, F.A.C., to:

(1) Be certified by a medical specialty board whose certification process has been recognized by the NRC or an agreement state and who meets the requirements in paragraph 64E-5.655(2)(c) and subsection 64E-5.655(3), F.A.C., of this section. (The names of board certifications which have been recognized by the NRC or an agreement state will be posted on the NRC's Web page at <http://www.nrc.gov/materials/miau/med-use-toolkit/spec-board-cert.html>.) To have its certification process recognized, a specialty board shall require all candidates for certification to:

(a) Successfully complete a minimum of 3 years of residency training in a radiation therapy program approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the **Committee on Post-Graduate Training** of the American Osteopathic Association; and.....

64E-5.660 Training for Use of Unsealed Radioactive Material for Which a Written Directive Is Required in Rule 64E-5.626, 64E-5.627 or 64E-5.630, F.A.C.

Except as provided in Rule 64E-5.657, F.A.C., the licensee shall require the authorized user of unsealed radioactive materials specified in Rule 64E-5.626, 64E-5.627 or 64E-5.630, F.A.C., which require a written directive to:

(1) Be certified by a medical specialty board whose certification process has been recognized by the NRC or an agreement state and who meets the requirements in sub-subparagraphs 64E-5.660(2)(a)2.g. and paragraph 64E-5.660(2)(b), F.A.C., of this section. (Specialty boards whose certification processes have been recognized by the NRC or an agreement state will be posted on the NRC's Web page at <http://www.nrc.gov/materials/miau/med-use-toolkit/spec-board-cert.html>.) To be recognized, a specialty board shall require all candidates for certification to:

(a) Successfully complete residency training in a radiation therapy or nuclear medicine training program or a program in a related medical specialty. These residency training programs must include 700 hours of training and experience as described in subparagraph 64E-5.660(2)(a)1. through sub-subparagraph 64E-5.660(2)(a)2.e., F.A.C., of this section. Eligible training programs must be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, or the **Committee on Post-Graduate Training** of the American Osteopathic Association; and.....

Reference link to NRC's Part 71 Compatibility table
<https://www.nrc.gov/cdn/nmss/pdf/10cfr71.pdf>

Commented [SMN1]: Link used to get all of part 71 that AS are responsible for compatibility

Transportation LC Part 71 for RATS 2015-3, 2018-2, 2018-3, 2019-2, 2020-3

@@. In lieu of Rules 64E-5.1501 through 64E-5.1506 and 64E-5.1510, F.A.C., the licensee shall comply with title 10 Code of Federal Regulations. Part 71 except as follows:

- A. Sections 71.6, 71.7, 71.9 through 71.12, 71.14(b), 71.19, 71.31 through 71.45, 71.51 through 71.77, 71.85(a)-(c), 71.91(b), 71.93, 71.95, 71.99, 71.100, 71.101(c)(2), 71.101(d) & (e), 71.103(c)-(f), 71.107 through 71.125.
- B. Any reference using words "NRC", "Commission", "Nuclear Regulatory Commission" or "Administrator of the appropriate Regional Office" shall be deemed a reference Florida Department of Health except when used in 10 CFR 71.5(b), 71.10, 71.17(c)(3) and (e), 71.88(a)(4), 71.97(c) and (f), and 71.133
- C. NRC is the sole authority for issuing a package Certificate of Compliance.
- D. Rule 64E-5.1506 references in 64E-5.1507 and 64E-5.1508, F.A.C., are to be replaced with 10 CFR 71.97

Commented [SMN2]: RATS 2015-3 71.4 Definitions
RATS 2015-3 71.14(a)(1)-(a)(3)
RATS 2015-3 71.15(d)
RATS 2015-3 71.17
RATS 2015-3 71.21
RATS 2015-3 71.85(a)-(c) & (d) new
RATS 2015-3 71.91(a)
RATS 2015-3 71.91(c) & (d)
RATS 2015-3 71.101(a), (b) & (c)(1) & (g)
RATS 2015-3 71.103(a) & (b)
RATS 2015-3 71.106 new
RATS 2015-3 71.135
RATS 2015-3 71 Appendix Table A-1
RATS 2015-3 71 Appendix Table A-2
RATS 2015-3 71 Appendix Table A-3

RATS 2018-2 71.97 title change
RATS 2018-3 71.97(c)(3) title change
RATS 2019-2 71.101(c)(3) title change (NA for Agreement States)
RATS 2020-3 71.97(c)(3)(i) title change
RATS 2020-3 Appendix A Part 71 Table A-1

Reference documents below not included in the license condition.
Florida's transportation rules kept and not required for NRC compatibility.
Source: State of Florida Official Rules for Department of State.
<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=64E-5>

Commented [SMN3]: Florida Rules
64E-6.1507 Designation of Routes for Shipments of Radioactive Waste Requiring Advanced Notification, 64E-5-1508 Inspection of Low-Level Radioactive Waste Shipments,
64E-5.1509 Permit Requirements,
64E-5.1511 Notification in the Event or Suspected or Real Breach of Containment,
64E-5.1512 Inspections, and
64E-5.1513 Communications
are not required in Part 71 but a few cross-reference rules replaced via license condition. This text list the replacement reference.

64E-5.1507 Designation of Routes for Shipment of Radioactive Waste Requiring Advance Notification.

(1) The Department may designate routes within the State of Florida for all shipments requiring advanced notification under Rule 64E-5.1506, F.A.C. Factors that the Department will consider in the designation of routes for shipments requiring advanced notifications are:

- (a) Population density in the vicinity of available highways;
- (b) Accident rates of available highways;
- (c) Transit time;
- (d) Time and day of the week during which the shipment is to occur; and,
- (e) Routes that may have been previously designated by other states.

(2) In lieu of the Department's designation of routes, the interstate highway system and limited access roadways are preferred for transportation of radioactive waste requiring advanced notification pursuant to Rule 64E-5.1506, F.A.C.

64E-5.1508 Inspection of Low-Level Radioactive Waste Shipments.

(1)(a) All persons licensed by the Department to use, manufacture, produce, transfer, transport, receive, acquire, own, process or possess radioactive materials, as well as nuclear power plants licensed by the U.S. Nuclear Regulatory Commission, and who desire to ship radioactive waste, including radioactive waste requiring advance notification as specified in Rule 64E-5.1506, F.A.C., to a low-level radioactive waste treatment, storage or disposal facility, shall notify the Department no less than 48 hours prior to departure of the shipment. The notification shall be made in writing or by telephone.

(b) Each notification must contain the following information:

1. The name, address and telephone number of the generator,
2. The name and telephone number of the contact person, designated by the generator, with whom the Department may make arrangements for the inspection,
3. The name and telephone number of the carrier,
4. The location of departure, if different from the address of the generator,
5. The scheduled date and time of departure; and,
6. The proposed route to the low-level radioactive waste facility.

(2) Upon notification from a licensee or nuclear power plant licensed by the U.S. Nuclear Regulatory Commission, the Department shall dispatch an authorized representative to the licensee's facility to inspect the shipment of radioactive waste destined for a low-level radioactive waste treatment, storage or disposal facility. The inspection shall include:

- (a) Surveys of the external radiation levels of the vehicle;
- (b) Inspection of package integrity, bracing and blocking, if accessible;
- (c) Verification of required package marking and labeling, if accessible;
- (d) Verification of required vehicle placarding; and,
- (e) Examination of the shipping papers for compliance with the regulations of the U.S. Department of Transportation.

(3) Licensees or nuclear power plants licensed by the U.S. Nuclear Regulatory Commission shall also provide the Department's representative the following information or material during the course of inspection of the low-level radioactive waste shipment:

- (a) Time of departure of shipment;
- (b) Proposed route of the shipment to the low-level radioactive waste facility;
- (c) Estimated time of arrival of the shipment at the low-level radioactive waste facility;
- (d) The carrier's name;
- (e) A complete and legible copy of the bill of lading; and,
- (f) A complete and legible copy of the radioactive shipment manifest.

(4) If the shipment of low-level radioactive waste is found to be in compliance with the regulations of the U.S. Department of Transportation, the Department's representative shall affix his initials on the bill of lading and the shipment may then proceed to the low-level radioactive waste facility. If the shipment of low-level radioactive waste is found to be in violation of the regulations of the U.S. Department of Transportation by the Department's representative, the licensee shall not allow the shipment to leave the boundaries of his facility until the violation is corrected and the Department's representative affixes his initials on the bill of lading signifying the shipment is in compliance.

(5) Licensees or nuclear power plant licensees of the U.S. Nuclear Regulatory Commission shall, within 72 hours of receiving notice of the arrival of their shipment at its destination for unloading, notify the Department of such arrival. The licensee shall also forward to the Department within 2 weeks of receiving notice of the arrival of the shipment at a destination for unloading, records of receipt and any other records indicating that a shipment was found in violation of the low-level radioactive waste treatment, storage or disposal facility's or host state's rules or regulations.

(6) Each generator of radioactive waste whose shipment is inspected by the department's representative will be billed quarterly by the department a fee of \$1.95 per cubic foot (0.02832 cubic meter) of waste shipped or \$150.00 per shipment inspected, whichever is greater. This quarterly billing will be paid to the Department within 30 days of receipt of the bill.

64E-5.1509 Permit Requirements.

(1) Any carrier who transports low-level radioactive waste destined for a low-level radioactive waste treatment, storage or disposal facility, prior to entrance into the State of Florida, shall obtain a permit from the Department for transporting such waste into the State.

(a) An application for a permit must contain the following information or material:

1. Name, address and telephone number of the carrier; and,
2. Certification statement that the carrier will comply with this part and the regulations of the U.S. Department of Transportation.

(b) Each application for a permit must be accompanied by an annual fee of \$100. Permits shall be valid for 365 days following the date of issue. Permit fees are not refundable. Permits may not be transferred or assigned to another carrier.

(2)(a) Before any shipment of low-level radioactive waste may be transported into or through the State, the permitted carrier shall give written or telephonic notice to the Department not less than 48 hours prior to the date of the arrival of the shipment at the borders of the State. The carrier must provide the Department with the following information in the notice:

1. The expected date and time the shipment will arrive at the borders of the State,
2. The estimated time the shipment will remain in the State,
3. An estimate of the radioisotopes contained within the shipment,
4. An estimate of the total activity, in curies, contained within the shipment,
5. An estimate of the total volume, in cubic feet, contained within the shipment; and,
6. The proposed route over which the shipment will be transported.

(b) The carrier must immediately notify the Department of any cancellations or changes of information provided in the prior notification, such as changes in the date of shipment arrival, the length of time the shipment will remain in the State, or the description or quantity of the radioactive waste contained within the shipment.

(3) Any permit issued pursuant to subsection 64E-5.1509(1), F.A.C., may be suspended if the Department has reasonable cause to suspect that the continued shipment of low-level radioactive waste presents a hazard to the public health. Grounds for suspension of a permit may include failure to include the information requested pursuant to subsection 64E-5.1509(2), F.A.C., falsification of information submitted on the application for a permit, or violation of Florida law or Department regulations. Prior to the suspension of a permit, the holder of the permit shall be notified in writing that the permit will be suspended and that an opportunity for an administrative hearing will be provided, if requested in writing within 30 days of the receipt of the notice of the intent to suspend the permit. The Department may remove the suspension at any time if the Department determines that the suspected hazard no longer exists.

(4) All applications for permits and prior notifications of impending shipments shall be addressed to the Department as outlined in subsection 64E-5.1513(2), F.A.C.

64E-5.1511 Notification in the Event of Suspected or Real Breach of Containment.

In addition to the reporting requirements of the U.S. Department of Transportation, any carrier transporting radioactive material in the State shall notify the Department immediately in the event the carrier suspects or knows of a breach in the containment of the radioactive material being transported. Notification shall be made as described in subsection 64E-5.1513(2), F.A.C.

64E-5.1512 Inspections.

(1) A department representative is authorized to inspect any record of persons engaged in the transportation of a radioactive material where such records reasonably relate to packaging, preparing for shipment and transporting radioactive material.

(2) A department representative is authorized to enter upon and inspect the premises and transport vehicles of any person engaged in the transportation of radioactive material for the purpose of determining compliance with or violation of the provisions of Section 404.20, F.S., and these regulations.

(3) The Department may investigate the cause and circumstances of every event in which notification was made pursuant to Rule 64E-5.1511, F.A.C.

Reference link to NRC's Part 71 Compatibility table
<https://www.nrc.gov/cdn/nmss/pdf/10cfr71.pdf>

Commented [SMN1]: Link used to get all of part 71 that AS are responsible for compatibility

Transportation LC Part 71 for RATS 2015-3, 2018-2, 2018-3, 2019-2, 2020-3

@@. In lieu of Rules 64E-5.1501 through 64E-5.1506 and 64E-5.1510, F.A.C., the licensee shall comply with title 10 Code of Federal Regulations. Part 71 except as follows:

- A. Sections 71.6, 71.7, 71.9 through 71.12, 71.14(b), 71.19, 71.31 through 71.45, 71.51 through 71.77, 71.85(a)-(c), 71.91(b), 71.93, 71.95, 71.99, 71.100, 71.101(c)(2), 71.101(d) & (e), 71.103(c)-(f), 71.107 through 71.125.
- B. Any reference using words "NRC", "Commission", "Nuclear Regulatory Commission" or "Administrator of the appropriate Regional Office" shall be deemed a reference Florida Department of Health except when used in 10 CFR 71.5(b), 71.10, 71.17(c)(3) and (e), 71.88(a)(4), 71.97(c) and (f), and 71.133
- C. NRC is the sole authority for issuing a package Certificate of Compliance.
- D. Rule 64E-5.1506 references in 64E-5.1507 and 64E-5.1508, F.A.C., are to be replaced with 10 CFR 71.97

Commented [SMN2]: RATS 2015-3 71.4 Definitions

RATS 2015-3 71.14(a)(1)-(a)(3)

RATS 2015-3 71.15(d)

RATS 2015-3 71.17

RATS 2015-3 71.21

RATS 2015-3 71.85(a)-(c) & (d) new

RATS 2015-3 71.91(a)

RATS 2015-3 71.91(c) & (d)

RATS 2015-3 71.101(a), (b) & (c)(1) & (g)

RATS 2015-3 71.103(a) & (b)

RATS 2015-3 71.106 new

RATS 2015-3 71.135

RATS 2015-3 71 Appendix Table A-1

RATS 2015-3 71 Appendix Table A-2

RATS 2015-3 71 Appendix Table A-3

RATS 2018-2 71.97 title change

RATS 2018-3 71.97(c)(3) title change

RATS 2019-2 71.101(c)(3) title change (NA for Agreement States)

RATS 2020-3 71.97(c)(3)(i) title change

RATS 2020-3 Appendix A Part 71 Table A-1

Reference documents below not included in the license condition.

Florida's transportation rules kept and not required for NRC compatibility.

Source: State of Florida Official Rules for Department of State.

<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=64E-5>

64E-5.1507 Designation of Routes for Shipment of Radioactive Waste Requiring Advance Notification.

(1) The Department may designate routes within the State of Florida for all shipments requiring advanced notification under Rule 64E-5.1506, F.A.C. Factors that the Department will consider in the designation of routes for shipments requiring advanced notifications are:

- (a) Population density in the vicinity of available highways;
- (b) Accident rates of available highways;
- (c) Transit time;
- (d) Time and day of the week during which the shipment is to occur; and,
- (e) Routes that may have been previously designated by other states.

(2) In lieu of the Department's designation of routes, the interstate highway system and limited access roadways are preferred for transportation of radioactive waste requiring advanced notification pursuant to Rule 64E-5.1506, F.A.C.

Commented [SMN3]: Florida Rules

64E-6.1507 Designation of Routes for Shipments of

Radioactive Waste Requiring Advanced Notification, 64E-5-

1508 Inspection of Low-Level Radioactive Waste

Shipments,

64E-5.1509 Permit Requirements,

64E-5.1511 Notification in the Event or Suspected or Real

Breach of Containment,

64E-5.1512 Inspections, and

64E-5.1513 Communications

are not required in Part 71 but a few cross-reference rules

replaced via license condition. This text list the replacement

reference.

64E-5.1508 Inspection of Low-Level Radioactive Waste Shipments.

(1)(a) All persons licensed by the Department to use, manufacture, produce, transfer, transport, receive, acquire, own, process or possess radioactive materials, as well as nuclear power plants licensed by the U.S. Nuclear Regulatory Commission, and who desire to ship radioactive waste, including radioactive waste requiring advance notification as specified in Rule 64E-5.1506, F.A.C., to a low-level radioactive waste treatment, storage or disposal facility, shall notify the Department no less than 48 hours prior to departure of the shipment. The notification shall be made in writing or by telephone.

(b) Each notification must contain the following information:

1. The name, address and telephone number of the generator,
2. The name and telephone number of the contact person, designated by the generator, with whom the Department may make arrangements for the inspection,
3. The name and telephone number of the carrier,
4. The location of departure, if different from the address of the generator,
5. The scheduled date and time of departure; and,
6. The proposed route to the low-level radioactive waste facility.

(2) Upon notification from a licensee or nuclear power plant licensed by the U.S. Nuclear Regulatory Commission, the Department shall dispatch an authorized representative to the licensee's facility to inspect the shipment of radioactive waste destined for a low-level radioactive waste treatment, storage or disposal facility. The inspection shall include:

- (a) Surveys of the external radiation levels of the vehicle;
- (b) Inspection of package integrity, bracing and blocking, if accessible;
- (c) Verification of required package marking and labeling, if accessible;
- (d) Verification of required vehicle placarding; and,
- (e) Examination of the shipping papers for compliance with the regulations of the U.S. Department of Transportation.

(3) Licensees or nuclear power plants licensed by the U.S. Nuclear Regulatory Commission shall also provide the Department's representative the following information or material during the course of inspection of the low-level radioactive waste shipment:

- (a) Time of departure of shipment;
- (b) Proposed route of the shipment to the low-level radioactive waste facility;
- (c) Estimated time of arrival of the shipment at the low-level radioactive waste facility;
- (d) The carrier's name;
- (e) A complete and legible copy of the bill of lading; and,
- (f) A complete and legible copy of the radioactive shipment manifest.

(4) If the shipment of low-level radioactive waste is found to be in compliance with the regulations of the U.S. Department of Transportation, the Department's representative shall affix his initials on the bill of lading and the shipment may then proceed to the low-level radioactive waste facility. If the shipment of low-level radioactive waste is found to be in violation of the regulations of the U.S. Department of Transportation by the Department's representative, the licensee shall not allow the shipment to leave the boundaries of his facility until the violation is corrected and the Department's representative affixes his initials on the bill of lading signifying the shipment is in compliance.

(5) Licensees or nuclear power plant licensees of the U.S. Nuclear Regulatory Commission shall, within 72 hours of receiving notice of the arrival of their shipment at its destination for unloading, notify the Department of such arrival. The licensee shall also forward to the Department within 2 weeks of receiving notice of the arrival of the shipment at a destination for unloading, records of receipt and any other records indicating that a shipment was found in violation of the low-level radioactive waste treatment, storage or disposal facility's or host state's rules or regulations.

(6) Each generator of radioactive waste whose shipment is inspected by the department's representative will be billed quarterly by the department a fee of \$1.95 per cubic foot (0.02832 cubic meter) of waste shipped or \$150.00 per shipment inspected, whichever is greater. This quarterly billing will be paid to the Department within 30 days of receipt of the bill.

64E-5.1509 Permit Requirements.

(1) Any carrier who transports low-level radioactive waste destined for a low-level radioactive waste treatment, storage or disposal facility, prior to entrance into the State of Florida, shall obtain a permit from the Department for transporting such waste into the State.

(a) An application for a permit must contain the following information or material:

1. Name, address and telephone number of the carrier; and,
2. Certification statement that the carrier will comply with this part and the regulations of the U.S. Department of Transportation.

(b) Each application for a permit must be accompanied by an annual fee of \$100. Permits shall be valid for 365 days following the date of issue. Permit fees are not refundable. Permits may not be transferred or assigned to another carrier.

(2)(a) Before any shipment of low-level radioactive waste may be transported into or through the State, the permitted carrier shall give written or telephonic notice to the Department not less than 48 hours prior to the date of the arrival of the shipment at the borders of the State. The carrier must provide the Department with the following information in the notice:

1. The expected date and time the shipment will arrive at the borders of the State,
2. The estimated time the shipment will remain in the State,
3. An estimate of the radioisotopes contained within the shipment,
4. An estimate of the total activity, in curies, contained within the shipment,
5. An estimate of the total volume, in cubic feet, contained within the shipment; and,
6. The proposed route over which the shipment will be transported.

(b) The carrier must immediately notify the Department of any cancellations or changes of information provided in the prior notification, such as changes in the date of shipment arrival, the length of time the shipment will remain in the State, or the description or quantity of the radioactive waste contained within the shipment.

(3) Any permit issued pursuant to subsection 64E-5.1509(1), F.A.C., may be suspended if the Department has reasonable cause to suspect that the continued shipment of low-level radioactive waste presents a hazard to the public health. Grounds for suspension of a permit may include failure to include the information requested pursuant to subsection 64E-5.1509(2), F.A.C., falsification of information submitted on the application for a permit, or violation of Florida law or Department regulations. Prior to the suspension of a permit, the holder of the permit shall be notified in writing that the permit will be suspended and that an opportunity for an administrative hearing will be provided, if requested in writing within 30 days of the receipt of the notice of the intent to suspend the permit. The Department may remove the suspension at any time if the Department determines that the suspected hazard no longer exists.

(4) All applications for permits and prior notifications of impending shipments shall be addressed to the Department as outlined in subsection 64E-5.1513(2), F.A.C.

64E-5.1511 Notification in the Event of Suspected or Real Breach of Containment.

In addition to the reporting requirements of the U.S. Department of Transportation, any carrier transporting radioactive material in the State shall notify the Department immediately in the event the carrier suspects or knows of a breach in the containment of the radioactive material being transported. Notification shall be made as described in subsection 64E-5.1513(2), F.A.C.

64E-5.1512 Inspections.

(1) A department representative is authorized to inspect any record of persons engaged in the transportation of a radioactive material where such records reasonably relate to packaging, preparing for shipment and transporting radioactive material.

(2) A department representative is authorized to enter upon and inspect the premises and transport vehicles of any person engaged in the transportation of radioactive material for the purpose of determining compliance with or violation of the provisions of Section 404.20, F.S., and these regulations.

(3) The Department may investigate the cause and circumstances of every event in which notification was made pursuant to Rule 64E-5.1511, F.A.C.

@@. 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, 37.77(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:
- 37.5 Definitions: *Agreement State, Byproduct material, Commission, fingerprint orders, person,*
 - 37.25(b),
 - 37.27(a) and (c),
 - 37.29(a),
 - 37.71 referring to NRC's license verification system,
 - 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 fingerprint cards or records to Director, Division of Facilities and Cyber Security Policy, U.S. NRC, 11545 Rockville Pike, Rockville, Maryland 20852-2738, ATTN: Criminal History Program, Mail Stop T-07D04M
- 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, 32399-1741; telephone (850) 245-4545.
2. Licensee required reports of events or notifications in 37.57, 37.77(a)-(d), 37.81, for both regular mail and overnight mail shall use Department of Health, Bureau of Radiation Control, 2100 All Children's Way, Orlando, FL 32818-5269; telephone (407) 297-2095.

Commented [SMN1]: RATS 2018-2 37.81(g)
RATS 2018-3 37.23(b)(2), 37.43(d)(2) & (3) and (d)(5)-(8),
37.45(b), 37.77(a)(1), NOT EXCLUDED
RATS 2019-1 37.23(b)(2) NOT EXCLUDED

Commented [SMN2]: RATS 2018-2 37.77 9a)-(d) 37.77(e)
and (f) (NA Title change but goes to State not NRC titles)

Commented [SMN3]: RATS 2019-1 37.27(c)(1) & (2)

@. The licensee must comply with the requirements of Title 10 Code of Federal Regulations Sections 35.3045(g) and 35.3047(f) regarding annotated reports of medical events and dose to an embryo/fetus or nursing child. Any reference to the NRC shall be deemed to be a reference to the Florida Department of Health.

Commented [SMN1]: RATS 2020-2 35.3045(g)(1)(ii) and 35.3047(f)(1)(ii) SSN's in reports

@. For Rules 64E-5.652(1), 64E-5.655(1)(a), 64E-5.660(1)(a) the 'Committee on Post-Graduate Training' of the American Osteopathic Association is renamed as the "Council on Postdoctoral Training" of the American Osteopathic Association

Commented [SMN2]: RATS 2020-3 35.690(a)(1), 35.490(a)(1), and 35.390(a)(1) 'Committee on Post-Graduate Training' of the American Osteopathic Association is renamed as the "Council on Postdoctoral Training" of the American Osteopathic Association
BELOW: The applicable portion of Florida equivalent rule are listed for comparison.

Source: State of Florida Official Rules for Department of State.
<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=64E-5>

64E-5.652 Training for Use of Manual Brachytherapy Sources.

Except as provided in Rule 64E-5.657, F.A.C., the licensee shall require the authorized user of a brachytherapy source specified in Rule 64E-5.632, F.A.C., to:

(1) Be certified by a medical specialty board whose certification process has been recognized by the NRC or an agreement state, and who meets the requirements in paragraph 64E-5.652(2)(c), F.A.C., of this section. (The names of board certifications which have been recognized by the NRC or an agreement state will be posted on the NRC's Web page at <http://www.nrc.gov/materials/miau/med-use-toolkit/spec-board-cert.html>.) To have its certification process recognized, a specialty board shall require all candidates for certification to:

(a) Successfully complete a minimum of 3 years of residency training in a radiation oncology program approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the **Committee on Post-Graduate Training** of the American Osteopathic Association; and

64E-5.655 Training for Use of Remote Afterloader Units, Teletherapy Units, and Gamma Stereotactic Radiosurgery Units.

Except as provided in Rule 64E-5.657, F.A.C., the licensee shall require the authorized user of a sealed source specified in Rule 64E-5.634, F.A.C., to:

(1) Be certified by a medical specialty board whose certification process has been recognized by the NRC or an agreement state and who meets the requirements in paragraph 64E-5.655(2)(c) and subsection 64E-5.655(3), F.A.C., of this section. (The names of board certifications which have been recognized by the NRC or an agreement state will be posted on the NRC's Web page at <http://www.nrc.gov/materials/miau/med-use-toolkit/spec-board-cert.html>.) To have its certification process recognized, a specialty board shall require all candidates for certification to:

(a) Successfully complete a minimum of 3 years of residency training in a radiation therapy program approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the **Committee on Post-Graduate Training** of the American Osteopathic Association; and.....

64E-5.660 Training for Use of Unsealed Radioactive Material for Which a Written Directive Is Required in Rule 64E-5.626, 64E-5.627 or 64E-5.630, F.A.C.

Except as provided in Rule 64E-5.657, F.A.C., the licensee shall require the authorized user of unsealed radioactive materials specified in Rule 64E-5.626, 64E-5.627 or 64E-5.630, F.A.C., which require a written directive to:

(1) Be certified by a medical specialty board whose certification process has been recognized by the NRC or an agreement state and who meets the requirements in sub-subparagraphs 64E-5.660(2)(a)2.g. and paragraph 64E-5.660(2)(b), F.A.C., of this section. (Specialty boards whose certification processes have been recognized by the NRC or an agreement state will be posted on the NRC's Web page at <http://www.nrc.gov/materials/miau/med-use-toolkit/spec-board-cert.html>.) To be recognized, a specialty board shall require all candidates for certification to:

(a) Successfully complete residency training in a radiation therapy or nuclear medicine training program or a program in a related medical specialty. These residency training programs must include 700 hours of training and experience as described in subparagraph 64E-5.660(2)(a)1. through sub-subparagraph 64E-5.660(2)(a)2.e., F.A.C., of this section. Eligible training programs must be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, or the **Committee on Post-Graduate Training** of the American Osteopathic Association; and.....