

November 8, 2000

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

Dear Mr. Passetti:

As requested, we have reviewed the proposed regulations, Control of Radiation Hazard Regulations, published in the Florida Administrative Weekly on June 2, 2000. The proposed regulations are in response to the 10 amendments identified in the enclosed Regulation Assessment Tracking System (RATS) Data Sheet. The regulations were reviewed by comparison to the equivalent NRC regulations in 10 CFR Parts 20, 30, 35, 36, 40, 61, 70, 71 and 150. We also discussed our review of the regulations with you on October 23, 2000.

We have reviewed the final Florida regulations which became effective on May 18, 1998. The regulations were sent to us in a letter dated June 5, 2000, by Michael Stephens, Environmental Administrator. The final regulations are in response to the five amendments identified in the enclosed RATS Data Sheet. The regulations were reviewed by comparison to the equivalent NRC regulations in 10 CFR Parts 19, 20, 30, 34, 35 and 61. In addition, we reviewed our March 12, 1998 letter to you that addressed the proposed regulations. For completeness, we reviewed the earlier proposed regulations. We discussed our review in an e-mail on June 9, 2000.

As a result of our review, we have no comments on the proposed and final regulations. Please note that we limited our review to regulations required for compatibility and/or health and safety. Under our current procedure, a finding that a State regulation meets the compatibility and health and safety categories of the equivalent NRC regulation may only be made based on a review of the final State regulation. However, we have determined that if your proposed regulations were adopted without significant change, they would meet the compatibility and health and safety categories established in the Office of State and Tribal Programs (STP) Procedure SA-200.

We request that when the proposed regulations are adopted and published as final regulations, a copy of the "as published" regulations be provided to us for review. As requested in STP Procedure SA-201, *Review of State Regulations*, please highlight the final changes and send one copy in a computer readable format, if possible.

We have also summarized on the RATS Data Sheet our knowledge of the status of other Florida regulations. Please let us know if you note any inaccuracies or have any comments on the information contained in the RATS Data Sheet.

William A. Passetti

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If you have any questions regarding the comments, the compatibility and health categories, or any of the NRC regulations used in the review, please contact me or Richard Woodruff in our Region II office at 404-562-4704 or rlw@NRC.GOV.

Sincerely,

/RA/

Frederick C. Combs, Deputy Director
Office of State and Tribal Programs

Enclosure:
As stated

Distribution:

DIR RF [0-148]

PLohaus

SDroggitis

BUilton

DSollenberger, ASPO

RWoodruff

FL File

DCD (SP06)

PDR (YES_✓)

Response to incoming: ML003737096 proposed 7/21/2000

ML 003723146 final 6/5/2000

*See previous concurrence.

DOCUMENT NAME: G:\SNS\State regs\FL\FL proposed reg review R.wpd

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DATE	10/23/00*		10/24/00*		11/07/00*		10/25 /00*11/8/00			

STP-AG-[6]

REGULATION ASSESSMENT TRACKING SYSTEM
RATS DATA SHEET

State: Florida

[10 proposed amendments (6/02/00) reviewed are identified by a ★ at the beginning of each equivalent NRC regulation.

Five final (5/18/98) ✖; Five final (1/1/94 and 8/14/96) ●]

Tracking Ticket Number: 0-148

Date: November 8, 2000

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed/ Final- Comment (Y/N)¹	NRC Review Date	Final State Regulation² (Effective Date)
★ Standards for Protection Against Radiation-Part 20	56 FR 23360 56 FR 61352 57 FR 38588 57 FR 57877 58 FR 67657 59 FR 41641 60 FR 20183 (1/1/94)	1991-3	F-Y P-N	11/24/97 11/8/00	
● Safety Requirements for Radiographic Equipment-Part 34	55 FR 843 (1/10/94)	1991-1	F-N	11/8/00	1/1/94
ASNT Certification of Radiographers-Part 34	56 FR 11504 (none)	1991-2			Not required ³
● Notification of Incidents-Parts 20, 30, 31, 34, 39, 40, 70	56 FR 64980 (10/15/94)	1991-4	F-N	11/8/00	1/1/94
● Quality Management Program and Misadministrations-Part 35	56 FR 34104 (1/27/95)	1992-1	F-N	11/8/00	1/1/94
Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions-Parts 30, 35	57 FR 45566 (none)	1992-2			Not required ³
● Licensing and Radiation Safety Requirements for Irradiators-Part 36	58 FR 7715 (7/1/96)	1993-2	F-N	11/8/00	8/14/96
Definition of Land Disposal and Waste Site QA Program-Part 61	58 FR 33886 (7/22/96)	1993-3			Not applicable SECY-95-112 ⁴
● Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites]-Parts 30, 40	58 FR 39628 (10/25/96)	1993-1	F-N	11/8/00	8/14/96
Self-Guarantee as an Additional Financial Mechanism-Parts 30, 40, 70	58 FR 68726 59 FR 1618 (none)	1994-1			Not required ³
Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards-Part 40	59 FR 28220 (7/1/97)	1994-2			Not applicable to Florida
✖ Timeliness in Decommissioning Material Facilities-Parts 30, 40, 70	59 FR 36026 (8/15/97)	1994-3	F-N	11/8/00	5/18/98
Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use-Parts 30, 32, 35	59 FR 61767 59 FR 65243 60 FR 322 (1/1/98)	1995-1			

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed/ Final- Comment (Y/N)¹	NRC Review Date	Final State Regulation² (Effective Date)
✖ Frequency of Medical Examinations for Use of Respiratory Protection Equipment-Part 20	60 FR 7900 (3/13/98)	1995-2	F-N	11/8/00	5/18/98
✖ Low-Level Waste Shipment Manifest Information and Reporting-Parts 20, 61	60 FR 15649 60 FR 25983 (3/1/98)	1995-3	F-N	11/8/00	5/18/98
✖ Performance Requirements for Radiography Equipment-Part 34	60 FR 28323 (6/30/98)	1995-4	F-N	11/8/00	5/18/98
✖ Radiation Protection Requirements: Amended Definitions and Criteria-Parts 19, 20	60 FR 36038 (8/14/98)	1995-5	F-N	11/8/00	5/18/98
Clarification of Decommissioning Funding Requirements-Parts 30, 40, 70	60 FR 38235 (11/24/98)	1995-6	F-N		5/18/98
★ Medical Administration of Radiation and Radioactive Materials-Parts 20, 35	60 FR 48623 (10/20/98)	1995-7	P-N	11/8/00	
★ 10 CFR Part 71: Compatibility with the International Atomic Energy Agency-Part 71	60 FR 50248 61 FR 28723 (4/1/99)	1996-1	P-N	11/8/00	
One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses-Parts 30, 40, 70	61 FR 1109 (none)	1996-2			Not required ³
★ Termination or Transfer of Licensed Activities: Recordkeeping Requirements-Parts 20, 30, 40, 61, 70	61 FR 24669 (6/17/99)	1996-3	P-N	11/8/00	
★ Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act-Part 20	61 FR 65120 (1/9/00)	1997-1	P-N	11/8/00	
Fissile Material Shipments and Exemptions-Part 71	62 FR 5907 (none)	1997-4			Not required ³
★ Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State-Part 150	62 FR 1662 (2/27/00)	1997-2	P-N	11/8/00	
★ Criteria for the Release of Individuals Administered Radioactive Material-Parts 20, 35	62 FR 4120 (5/29/00)	1997-3	P-N	11/8/00	
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations-Parts 30, 34, 71, 150	62 FR 28948 (6/27/00)	1997-5			
Radiological Criteria for License Termination-Parts 20, 30, 40, 70	62 FR 39058 (8/20/00)	1997-6			
★ Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea-Part 30	62 FR 63634 (1/02/01)	1997-7	P-N	11/8/00	
★ Deliberate Misconduct by Unlicensed Persons- Parts 30, 40, 61, 70, 150	63 FR 1890 63 FR 13773 (2/12/01)	1998-1	P-N	11/8/00	

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed/ Final- Comment (Y/N)¹	NRC Review Date	Final State Regulation² (Effective Date)
Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees- Parts 30, 40, 70	63 FR 29535 (none)	1998-2			Not required ³
License Term for Medical Use Licenses- Part 35	63 FR 31604 (none)	1998-3			Not required ³
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations-Part 34	63 FR 37059 (7/9/01)	1998-4			
★ Minor Corrections, Clarifying Changes, and a Minor Policy Change-Parts 20, 35, 36	63 FR 39477 63 FR 45393 (10/26/01)	1998-5	P-N	11/8/00	
Transfer for Disposal and Manifests: Minor Technical Conforming Amendment-Part 20	63 FR 50127 (11/20/01)	1998-6			
Radiological Criteria for License Termination of Uranium Recovery Facilities-Part 40	64 FR 17506 (6/11/02)	1999-1			
Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information-Part 31	64 FR 42269 (none)	1999-2			Not required ³
Respiratory Protection and Controls to Restrict Internal Exposure - Part 20	64 FR 54543 64 FR 55525 (2/2/03)	1999-3			
Energy Compensation Sources for Well Logging and Other Regulatory Clarifications - Part 39	65 FR20337 (5/17/03)	2000-1			

1. (Y/N) Y means “Yes,” there are comments in the review letter that the State needs to address. N. means “No,” there are no comments in the review letter.
2. Or other generic Legally Binding Requirements.
3. Not required means these regulations are not required for purpose of compatibility.
4. A State need not adopt a specific regulation if the State has no licensees that would be subject to that regulation. See: “Final Policy Statement on Adequacy and Compatibility of Agreement State Programs,” III.1. Time Frame for Adoption of Compatible State Regulations, p. 6, SECY-95-112, May 3, 1995.