

March 21, 2005

Robert W. Goff , Director  
Division of Radiological Health  
Mississippi State Department Health  
3150 Lawson Street  
P.O. Box 1700  
Jackson, MS 39215-1700

Dear Mr. Goff:

We have reviewed the proposed changes to the Mississippi regulations, "*Regulations for Control of Radiation in Mississippi*", received by our office on March 3, 2005. These regulations were reviewed by comparison to the equivalent NRC rules in 10 CFR Parts 20, 32, and 35, and the requirements of the 2 amendments identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with you on March 3, 2005.

The incoming letter stated that the Training and Experience requirements for Part 35 are adopted from the old Subpart J. For Mississippi's convenience, we have identified 10 sections that Mississippi will need to revise regarding the new Part 35 Training and Experience requirements once the revision to Part 35 is published. As a result of our review, no additional comments were identified. Please note that we have 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 Mississippi regulation. However, we have determined that if these 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 Regulatory Requirements, please highlight the final changes and provide a hard copy to STP.

The SRS Data Sheet summarizes our knowledge of the status of other Mississippi regulations, as indicated. Please let us know if you note any inaccuracies, or have any comments on the information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet, is posted on the STP website: <http://www.hrsd.ornl.gov/nrc/rulemaking.htm>.

If you have any questions regarding the review results, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact me, or Shawn Rochelle Smith of my staff at (301) 415-2620 or [srs3@nrc.gov](mailto:srs3@nrc.gov).

Sincerely,

***IRA By M. Shaffer For***

Paul H. Lohaus, Director  
Office of State and Tribal Program

Enclosures: As Stated

March 21, 2005

Robert W. Goff , Director  
 Division of Radiological Health  
 Mississippi State Department Health  
 3150 Lawson Street, P.O. Box 1700  
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The incoming letter stated that the Training and Experience requirements for Part 35 are adopted from the old Subpart J. For Mississippi's convenience, we have identified 10 sections that Mississippi will need to revise regarding the new Part 35 Training and Experience requirements once the revision to Part 35 is published. As a result of our review, no additional comments were identified. Please note that we have 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 Mississippi regulation. However, we have determined that if these 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.

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Sincerely,

***RA By M. Shaffer For***

Paul H. Lohaus, Director  
 Office of State and Tribal Program  
**SISP Review Complete**

Enclosures: As Stated

- Publicly Available    Non-Publicly Available  
 Non-Sensitive    Sensitive

Distribution:

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 Sheri Minnick/Duncan White, RSAO   Shawn Smith, ASPO   Mississippi File   Document Name:C:\NRC\Regs\MS  
 5-47.wpd

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OFFICE	STP	STP	OGC	STP:D
NAME	SSmith	WRautzen	STreby	MShaffer for PLOhaus
DATE	3/10/05*	3/10/05*	3/18/05*	3/21/05*

**ML050870570**

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### Training and Experience Requirements for Revised Part 35

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	801.G.25	35.50	2002-2	B	<p><b>Training for Radiation Safety Officer</b></p> <p>The State has not adopted the revised Training and Experience criteria. The State is using Subpart J for training criteria and intends to adopt the Part 35 Training and Experience criteria revisions approved by the Commission on March 7, 2005.</p>
2	801.G.26	35.51	2002-2	B	<p><b>Training for an authorized medical physicist</b></p> <p>The State has not adopted the revised Training and Experience criteria. The State is using Subpart J for training criteria and intends to adopt the Part 35 Training and Experience criteria revisions approved by the Commission on March 7, 2005.</p>
3	801.G.46	35.190	2002-2	B	<p><b>Training for uptake, dilution and excretion studies</b></p> <p>The State has not adopted the revised Training and Experience criteria. The State is using Subpart J for training criteria and intends to adopt the Part 35 Training and Experience criteria revisions approved by the Commission on March 7, 2005.</p>
4	801.G.51	35.290	2002-2	B	<p><b>Training for imaging and localization studies</b></p> <p>The State has not adopted the revised Training and Experience criteria. The State is using Subpart J for training criteria and intends to adopt the Part 35 Training and Experience criteria revisions approved by the Commission on March 7, 2005.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
5	801.G.56	35.390	2002-2	B	<p><b>Training for use of unsealed byproduct material for which a written directive is required</b></p> <p>The State has not adopted the revised Training and Experience criteria. The State is using Subpart J for training criteria and intends to adopt the Part 35 Training and Experience criteria revisions approved by the Commission on March 7, 2005.</p>
6	Omitted	35.392	2002-2	B	<p><b>Training for the oral administration of sodium iodide I-131 requiring a written directive in quantities less than or equal to 1.22 Gigabecquerels (33 millicuries)</b></p> <p>The State omitted this provision.</p> <p>The State has not adopted the revised Training and Experience criteria. The State is using Subpart J for training criteria and intends to adopt the Part 35 Training and Experience criteria revisions approved by the Commission on March 7, 2005.</p>
7	Omitted	35.394	2002-2	B	<p><b>Training for the oral administration of sodium iodide I-131 requiring a written directive in quantities greater than 1.22 Gigabecquerels (33 millicuries)</b></p> <p>The State omitted this provision.</p> <p>The State has not adopted the revised Training and Experience criteria. The State is using Subpart J for training criteria and intends to adopt the Part 35 Training and Experience criteria revisions approved by the Commission on March 7, 2005.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
8	801.G.67	35.490	2002-2	B	<p><b>Training for use of manual brachytherapy sources</b></p> <p>The State has not adopted the revised Training and Experience criteria. The State is using Subpart J for training criteria and intends to adopt the Part 35 Training and Experience criteria revisions approved by the Commission on March 7, 2005.</p>
9	801.G.68	35.491	2002-2	B	<p><b>Training for ophthalmic use of strontium-90</b></p> <p>The State has not adopted the revised Training and Experience criteria. The State is using Subpart J for training criteria and intends to adopt the Part 35 Training and Experience criteria revisions approved by the Commission on March 7, 2005.</p>
10	801.G.88	35.690	2002-2	B	<p><b>Training for use of remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units</b></p> <p>The State has not adopted the revised Training and Experience criteria. The State is using Subpart J for training criteria and intends to adopt the Part 35 Training and Experience criteria revisions approved by the Commission on March 7, 2005.</p>

State: Mississippi

Tracking Ticket Number: 5-47

[Two proposed amendments reviewed are identified by a ★ at the beginning of each equivalent NRC regulation]

Date: March 21, 2005

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed (P) / Final (F) <sup>1</sup> Rule / ML # <sup>5</sup>	NRC Review / Y, N <sup>2</sup> / Date / ML # <sup>5</sup>	Final State Regulation <sup>1</sup> (Effective Date)
Safety Requirements for Radiographic Equipment-Part 34	55 FR 843; (1/10/94)	1991-1	P ML010590507	N 11/16/01 ML013230431	10/12/94
ASNT Certification of Radiographers-Part 34	56 FR 11504; (none)	1991-2			Not required <sup>3</sup>
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	P ML010590507	N 11/16/01 ML013230431	8/4/93
Notification of Incidents-Parts 20, 30, 31, 34, 39, 40, 70	56 FR 64980; (10/15/94)	1991-4	P ML010590507	N 11/16/01 ML013230431	10/12/94
Quality Management Program and Misadministrations-Part 35	56 FR 34104; (1/27/95)	1992-1	P ML010590507	N 11/16/01 ML013230431	10/12/94
Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions-Parts 30,35	57 FR 45566; (none)	1992-2			Not required <sup>3</sup>
Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites]-Parts 30, 40	58 FR 39628; (10/25/96)	1993-1	P ML010590507	N 11/16/01 ML013230431	7/10/96
Licensing and Radiation Safety Requirements for Irradiators-Part 36	58 FR 7715; (7/1/96)	1993-2	P ML010590507	N 11/16/01 ML013230431	7/10/96
Definition of Land Disposal and Waste Site QA Program-Part 61	58 FR 33886; (7/22/96)	1993-3			Not applicable SECY-95-112 <sup>4</sup>
Self-Guarantee as an Additional Financial Mechanism-Parts 30, 40, 70	58 FR 68726; 59 FR 1618 (none)	1994-1	P ML010590507	N 11/16/01 ML013230431	7/10/96
Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards-Part 40	59 FR 28220; (7/1/97)	1994-2			Not applicable to MS
Timeliness in Decommissioning Material Facilities-Parts 30, 40, 70	59 FR 36026; (8/15/97)	1994-3	P ML010590507	N 11/16/01 ML013230431	7/10/96
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			
Frequency of Medical	60 FR 7900;	1995-2	P	N 11/16/01	7/10/96

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Examinations for Use of Respiratory Protection Equipment-Part 20	(3/13/98)		ML010590507	ML013230431	
Low-Level Waste Shipment Manifest Information and Reporting-Parts 20, 61	60 FR 15649; 60 FR 25983 (3/1/98)	1995-3	P ML010590507	N 11/16/01 ML013230431	
Performance Requirements for Radiography Equipment-Part 34	60 FR 28323; (6/30/98)	1995-4	P ML010590507	N 11/16/01 ML013230431	
Radiation Protection Requirements: Amended Definitions and Criteria-Parts 19, 20	60 FR 36038; (8/14/98)	1995-5	P ML010590507	N 11/16/01 ML013230431	7/10/96
Clarification of Decommissioning Funding Requirements-Parts 30, 40, 70	60 FR 38235; (11/24/98)	1995-6	P ML010590507	N 11/16/01 ML013230431	7/10/96
Medical Administration of Radiation and Radioactive Materials-Parts 20, 35	60 FR 48623; (10/20/98)	1995-7			
10 CFR Part 71: Compatibility with the International Atomic Energy Agency-Part 71	60 FR 50248; 61 FR 28724 (4/1/99)	1996-1	P ML010590507	Y 11/16/01 ML013230431	
One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses-Parts 30, 40, 70	61 FR 1109; (none)	1996-2			Not required <sup>3</sup>
Termination or Transfer of Licensed Activities: Recordkeeping Requirements-Parts 20, 30, 40, 61, 70	61 FR 24669; (6/17/99)	1996-3	P ML010590507	N 11/16/01 ML013230431	
Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act-Part 20	61 FR 65120; (1/9/00)	1997-1	P ML010590507	N 11/16/01 ML013230431	
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 ML010590507	N 11/16/01 ML013230431	
Criteria for the Release of Individuals Administered Radioactive Material-Parts 20, 35	62 FR 4120; (5/29/00)	1997-3	P ML010590507	N 11/16/01 ML013230431	
Fissile Material Shipments and Exemptions-Part 71	62 FR 5907; (none)	1997-4			Not required <sup>3</sup>

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Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations-Parts 30, 34, 71, 150	62 FR 28947; (6/27/00)	1997-5	P ML010590507	N 11/16/01 ML013230431	
Radiological Criteria for License Termination-Parts 20, 30, 40, 70	62 FR 39057; (8/20/00)	1997-6	P ML010590507	N 11/16/01 ML013230431	
Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea-Part 30	62 FR 63634; (1/02/01)	1997-7	P ML010590507	N 11/16/01 ML013230431	
Deliberate Misconduct by Unlicensed Persons-Parts 30, 40, 61, 70, 71, 150	63 FR 1890; 63 FR 13773 (2/12/01)	1998-1	P ML010590507	N 11/16/01 ML013230431	
Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees- Parts 30, 40, 70	63 FR 29535; (none)	1998-2			Not required <sup>3</sup>
License Term for Medical Use Licenses-Part 35	63 FR 31604; (none)	1998-3			Not required <sup>3</sup>
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations-Part 34	63 FR 37059; (7/9/01)	1998-4	P ML010590507	Y 11/16/01 ML013230431	
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 ML010590507	N 11/16/01 ML013230431	
Transfer for Disposal and Manifests: Minor Technical Conforming Amendment-Part 20	63 FR 50127; (11/20/01)	1998-6	P ML010590507	N 11/16/01 ML013230431	
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 <sup>3</sup>
Respiratory Protection and Controls to Restrict Internal Exposure-Part 20	64 FR 54543; 64 FR 55524 (2/2/03)	1999-3	P ML010590507	N 11/16/01 ML013230431	
Energy Compensation Sources for Well Logging and Other Regulatory Clarifications-Part 39	65 FR 20337; (5/17/03)	2000-1	F ML040290385	N 02/03/04 ML040340553	



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New Dosimetry Technology- Parts 34, 36, 39	65 FR 63750; (1/8/04)	2000-2	F ML040290385	N 02/-3/04 ML040340553	
Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material - Parts 30, 31, 32	65 FR 79162; (2/16/04)	2001-1			
★ Revision of the Skin Dose Limit -Part 20	67 FR 16298; 4/5/05	2002-1	P ML050490302	N 3/21/05 ML050870570	
★ Medical Use of Byproduct Material-Parts 20, 32, and 35	67 FR 20249; 10/24/05	2002-2	P ML050490302	N 3/21/05 ML050870570	
Financial Assurance for Materials Licensees – Parts 30, 40, 70	68 FR 57327 12/3/06	2003-1			
Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments – Part 71	69 FR 3697; (10/01/07)	2004-1			

1. Or other generic Legally Binding Requirements.
2. (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.
3. Not required means these regulations are not required for purposes 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.
5. ADAMS ML Number.