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

September 14, 2005

ALL AGREEMENT STATES, MINNESOTA AND PENNSYLVANIA

UPDATE ON STATUS OF AGREEMENT STATE ADOPTION OF 10 CFR PART 35 (STP-05-070)

On April 24, 2002, the U.S. Nuclear Regulatory Commission (NRC) published 10 CFR Part 35 "Medical Use of Byproduct Material" in the Federal Register. This regulation was revised in its entirety, along with selected sections of 10 CFR Parts 20 and 32. The regulation became effective for NRC licensees on October 24, 2002, and is located on the STP website at: http://www.hsrd.ornl.gov/nrc/home.html, select "Everything Medical," then scroll down to the regulations section. Under Commission implementing procedures, Agreement States should adopt a compatible rule within three years of the effective date of NRC's rule; by October 24, 2005.

You should also note that on March 29, 2003, NRC amended 10 CFR Part 35, as published in the Federal Register, to address Training and Experience (T&E) issues. This amendment became effective for NRC licensees on April 29, 2005. Subpart J (the 10 CFR Part 35 T&E criteria) expires for NRC licensees on October 24, 2005. Agreement States should adopt a compatible 10 CFR Part 35 (T&E) amendment no later than April 29, 2008, three years following the April 29, 2005 effective date of NRC's rule.

Please take a moment to review and update the enclosed table on the current status of your State's 10 CFR Part 35 regulation. We would appreciate receiving your response no later than **October 21, 2005**.*

If you have any questions on this correspondence, please contact me or the individual named below.

POINT OF CONTACT: Lloyd Bolling
TELEPHONE: (301) 415-2327
INTERNET: LAB@NRC.GOV
FAX: (301) 415-3502

/RA/

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

Enclosure: As stated

* This information request has been approved by OMB 3150-0029, expiration 06/30/07. The estimated burden per response to comply with this voluntary collection is approximately 8 hours. Send comments regarding the burden estimate to the Records and FOIA/Privacy Services Branch (T-5F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by Internet e-mail to infocollects@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (3150-0029), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

STP-05-070

Distribution:
DIR RF
BUsilton

DCD (SP03)

SISP Review Complete

: Publicly Available ☐ Non-Publicly Available
: Non-Sensitive ☐ Sensitive

DOCUMENT NAME: E:\Filenet\ML052580208.wpd

To receive a copy of this document, indicate in the box: "**C**" = Copy without attachment/enclosure "**E**" = Copy with attachment/enclosure "**N**" = No copy

OFFICE	STP		STP:DD		STP:D					
NAME	LABolling:gd		DKRathbun		PHLohaus					
DATE	9/12/05		9/12/05		9/14/05					

OFFICIAL RECORD COPY

10 CFR Part 35 Medical Use of Byproduct Material Adoption Due Date 10/24/2005

STATE Status as of 10/21/2005	Adopted (Y or N)	Date Adopted	Status NRC Review	Status Comments
ALABAMA	NO			
ARIZONA	NO			
ARKANSAS	NO			
CALIFORNIA	NO			
COLORADO	NO			
FLORIDA	NO			
GEORGIA	YES		Final Rule Reviewed 7/31/03	
ILLINOIS	YES		Final Rule Reviewed 9/16/03	
IOWA	YES		Final Rule Reviewed 2/4/04	
KANSAS	NO			
KENTUCKY	YES		Proposed Rule Reviewed 10/28/04	
LOUISIANA	NO			
MAINE	YES		Final Rule Reviewed 10/31/03	
MARYLAND	NO			
MASSACHUSETTS	NO			
MINNESOTA (Negotiating)	YES		Final Rule Reviewed 9/9/04	
MISSISSIPPI	NO			
NEBRASKA	NO			
NEVADA	NO			
NEW HAMPSHIRE	NO			
NEW MEXICO	NO			
NY City Dept. of HEALTH	NO			
NY State Dept. of HEALTH	NO			
NY State Dept. of LABOR	NO			
NORTH CAROLINA	NO			
NORTH DAKOTA	YES		Final Rule Reviewed 4/28/03	
OHIO	YES		Proposed Rule Reviewed 10/14/04	
OKLAHOMA	NO			
OREGON	NO			
RHODE ISLAND	YES		Final Rule Reviewed 10/25/04	
SOUTH CAROLINA	NO			
TENNESSEE	NO			
TEXAS	NO			
UTAH	NO			
WASHINGTON	NO			
WISCONSIN	YES		Final Rule Reviewed 12/20/02	