

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  
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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,

**IRA 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

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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*             |

### 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 REGULATION STATUS**

**State: Mississippi**

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

**Tracking Ticket Number: 5-47**

**Date: March 21, 2005**

| <b>NRC Chronology Identification</b>   | <b>FR Notice (State Due Date)</b>  | <b>RATS ID</b> | <b>Proposed (P) / Final (F)<sup>1</sup> Rule / ML #<sup>5</sup></b> | <b>NRC Review / Y, N<sup>2</sup> / Date / ML #<sup>5</sup></b> | <b>Final State Regulation<sup>1</sup> (Effective Date)</b> |
|--|--|----------------|---|--|--|
| Safety Requirements for Radiographic Equipment-Part 34   | 55 FR 843; (1/10/94)   | 1991-1         | P<br>ML010590507  | N 11/16/01<br>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;<br>57 FR 38588; 57 FR 57877;<br>58 FR 67657; 59 FR 41641;<br>60 FR 20183; (1/1/94) | 1991-3         | P<br>ML010590507  | N 11/16/01<br>ML013230431                                      | 8/4/93   |
| Notification of Incidents-Parts 20, 30, 31, 34, 39, 40, 70   | 56 FR 64980; (10/15/94)  | 1991-4         | P<br>ML010590507  | N 11/16/01<br>ML013230431                                      | 10/12/94   |
| Quality Management Program and Misadministrations-Part 35  | 56 FR 34104; (1/27/95)   | 1992-1         | P<br>ML010590507  | N 11/16/01<br>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<br>ML010590507  | N 11/16/01<br>ML013230431                                      | 7/10/96  |
| Licensing and Radiation Safety Requirements for Irradiators-Part 36  | 58 FR 7715; (7/1/96)   | 1993-2         | P<br>ML010590507  | N 11/16/01<br>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<br>SECY-95-112 <sup>4</sup>                 |
| Self-Guarantee as an Additional Financial Mechanism-Parts 30, 40, 70   | 58 FR 68726; 59 FR 1618<br>(none)  | 1994-1         | P<br>ML010590507  | N 11/16/01<br>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<br>to MS                                    |
| Timeliness in Decommissioning Material Facilities-Parts 30, 40, 70   | 59 FR 36026; (8/15/97)   | 1994-3         | P<br>ML010590507  | N 11/16/01<br>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<br>60 FR 322; (1/1/98)  | 1995-1         |   |  |  |
| Frequency of Medical Examinations for Use of Respiratory Protection Equipment-Part 20  | 60 FR 7900; (3/13/98)  | 1995-2         | P<br>ML010590507  | N 11/16/01<br>ML013230431                                      | 7/10/96  |
| Low-Level Waste Shipment Manifest Information and Reporting-Parts 20, 61   | 60 FR 15649; 60 FR 25983   | 1995-3         | P   | N 11/16/01   |  |

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|--|--------------------------------------|------------|--|---|--|
|  | (3/1/98)                             |            | ML010590507  | ML013230431   |  |
| Performance Requirements for Radiography Equipment-Part 34   | 60 FR 28323; (6/30/98)               | 1995-4     | P<br>ML010590507   | N 11/16/01<br>ML013230431                                       |  |
| Radiation Protection Requirements: Amended Definitions and Criteria-Parts 19, 20   | 60 FR 36038; (8/14/98)               | 1995-5     | P<br>ML010590507   | N 11/16/01<br>ML013230431                                       | 7/10/96  |
| Clarification of Decommissioning Funding Requirements-Parts 30, 40, 70   | 60 FR 38235; (11/24/98)              | 1995-6     | P<br>ML010590507   | N 11/16/01<br>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<br>(4/1/99) | 1996-1     | P<br>ML010590507   | Y 11/16/01<br>ML013230431                                       |  |
| One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses-<br>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,<br>61, 70                               | 61 FR 24669; (6/17/99)               | 1996-3     | P<br>ML010590507   | N 11/16/01<br>ML013230431                                       |  |
| Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act-<br>Part 20                              | 61 FR 65120; (1/9/00)                | 1997-1     | P<br>ML010590507   | N 11/16/01<br>ML013230431                                       |  |
| Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within<br>an Agreement State-Part 150          | 62 FR 1662; (2/27/00)                | 1997-2     | P<br>ML010590507   | N 11/16/01<br>ML013230431                                       |  |
| Criteria for the Release of Individuals Administered Radioactive Material-Parts 20, 35   | 62 FR 4120; (5/29/00)                | 1997-3     | P<br>ML010590507   | N 11/16/01<br>ML013230431                                       |  |
| Fissile Material Shipments and Exemptions-Part 71  | 62 FR 5907; (none)                   | 1997-4     |  |   | Not required <sup>3</sup>                                  |
| Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial<br>Radiography Operations-Parts 30, 34, 71, 150 | 62 FR 28947; (6/27/00)               | 1997-5     | P<br>ML010590507   | N 11/16/01<br>ML013230431                                       |  |
| Radiological Criteria for License Termination-Parts 20, 30, 40, 70   | 62 FR 39057; (8/20/00)               | 1997-6     | P<br>ML010590507   | N 11/16/01<br>ML013230431                                       |  |
| Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea-<br>Part 30                                    | 62 FR 63634; (1/02/01)               | 1997-7     | P<br>ML010590507   | N 11/16/01<br>ML013230431                                       |  |
| Deliberate Misconduct by Unlicensed Persons-Parts 30, 40, 61, 70, 71, 150  | 63 FR 1890; 63 FR 13773<br>(2/12/01) | 1998-1     | P<br>ML010590507   | N 11/16/01<br>ML013230431                                       |  |
| Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees-<br>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>                                  |

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|--|--|------------|--|---|--|
| Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations-Part 34                 | 63 FR 37059; (7/9/01)                  | 1998-4     | P<br>ML010590507   | Y 11/16/01<br>ML013230431                                       |  |
| Minor Corrections, Clarifying Changes, and a Minor Policy Change-Parts 20, 35, 36  | 63 FR 39477; 63 FR 45393<br>(10/26/01) | 1998-5     | P<br>ML010590507   | N 11/16/01<br>ML013230431                                       |  |
| Transfer for Disposal and Manifests: Minor Technical Conforming Amendment-Part 20  | 63 FR 50127; (11/20/01)                | 1998-6     | P<br>ML010590507   | N 11/16/01<br>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<br>(2/2/03)   | 1999-3     | P<br>ML010590507   | N 11/16/01<br>ML013230431                                       |  |
| Energy Compensation Sources for Well Logging and Other Regulatory Clarifications-Part 39   | 65 FR 20337; (5/17/03)                 | 2000-1     | F<br>ML040290385   | N 02/03/04<br>ML040340553                                       |  |
| New Dosimetry Technology-Parts 34, 36, 39  | 65 FR 63750; (1/8/04)                  | 2000-2     | F<br>ML040290385   | N 02/-3/04<br>ML040340553                                       |  |
| Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material - Parts 30, 31, 32                      | 65 FR 79162; (2/16/04)                 | 2001-1     |  |   |  |
| i Revision of the Skin Dose Limit -Part 20   | 67 FR 16298; 4/5/05                    | 2002-1     | P<br>ML050490302   | N 3/21/05<br>ML050870570  |  |
| i Medical Use of Byproduct Material-Parts 20, 32, and 35   | 67 FR 20249; 10/24/05                  | 2002-2     | P<br>ML050490302   | N 3/21/05<br>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,” Ill.1. Time Frame for Adoption of Compatible State Regulations, p. 6, SECY-95-112, May 3, 1995.
5. ADAMS ML Number.

