

COMPATIBILITY COMMENTS ON *Wisconsin* FINAL REGULATIONS

STATE SECTION	NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	157.61 (7) and (12)	§ 35.50	2009-1 B	<p>Training for Radiation Safety Officer</p> <p>Wisconsin omits reference to 10 CFR 35.57 in DHS 157.61(7)(a) 2.b. equivalent to 10 CFR 35.50(a)(2)(ii)(B).</p> <p><i>Agree. The text was changed in DHS 157.61(7). There was no reference in 10 CFR 35.50 that corresponded to DHS 157.61(12) so no changes were made to DHS 157.61(12).</i></p> <p>Wisconsin needs to adopt the reference as noted above, in order to meet Compatibility Category B designation assigned to 10 CFR 35.50.</p>
2	157.61 (8) and 12(b)	§ 35.51	2009-1 B	<p>Training for an authorized medical physicist</p> <p>Wisconsin omits reference to 10 CFR 35.57 in DHS 157.61(8)(b) equivalent to 10 CFR 35.51(a)(2)(ii).</p> <p><i>Agree.</i></p> <p>Wisconsin needs to adopt the reference as noted above, in order to meet Compatibility Category B designation assigned to 10 CFR 35.51.</p>
3	157.61 (10)	§ 35.57	2005-2 2009-1 B	<p>Training for experienced Radiation Safety Officer, teletherapy or medical physicist, authorized medical physicist, authorized user, nuclear pharmacist, and authorized nuclear pharmacist</p> <p>Wisconsin needs to remove the modifier “authorized” from the</p>

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					<p>phrase “authorized medical physicist” in DHS 157.61(10)(a), which corresponds to 10 CFR 35.57(a)(1).</p> <p>Agree.</p> <p>Wisconsin needs to remove the modifier “a teletherapy or” from DHS 157.61(10)(b), which corresponds to 10 CFR 35.57(a)(2).</p> <p>Disagree. The phrase “a teletherapy or” is not in DHS 157.61(10)(b). The phrase is in DHS 157.61(10)(a), and it belongs there [= 35.57(a)(1)]</p> <p>Wisconsin does not include the phrase “before October 24, 2002” in DHS 157.61(10)(c), which corresponds to 10 CFR 35.57(b)(1).</p> <p>Agree.</p> <p>Wisconsin omits the equivalent requirements to 10 CFR 35.57(c).</p> <p>Agree.</p> <p>Wisconsin needs to make the above changes in order to meet Compatibility Category B designation assigned to 10 CFR 35.57.</p>
4	157.63 (4) and (6)(a)	§ 35.190	2009-1	B	<p>Training for uptake, dilution, and excretion studies.</p> <p>Wisconsin omit reference to 10 CFR 35.290 in DHS 157.63(4)(c)(2) equivalent to 10 CFR 35.190(c)(1)(ii).</p> <p>Agree. Note that DHS 157 may use “sub.” when in the same sub-section, i.e., sub.(5) equals DHS 157.63(5) when in DHS 157.63.</p>

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				<p>Wisconsin reference in DHS 157.63(6)(a) to "...who meets the requirements of subs. (4) or (5), s. DHS 157.64(4), s. DHS 157.61(10) or equivalent agreement state requirements" is not equivalent to "...who meets the requirements in §§ 35.57, 35.190, 35.290, or 35.390, or equivalent Agreement State requirements." in 10 CFR 35.190(c)(2).</p> <p>Disagree. DHS 157.63(6)(a)-see below-contains the equivalent references. 35.57 = 157.61(10) 35.190 = 157.63(4) or sub. (4) 35.290 = 157.63(5) or sub. (5) 35.390 = 157.64(4)</p> <p><i>(a)Unsealed radioactive material for uptake, dilution, and excretion studies for which a written directive is not required. A licensee shall require an authorized user of unsealed radioactive material for the uses authorized under sub. (1) to have obtained written attestation, signed by a preceptor authorized user who meets the requirements of sub. (4) or (5), s. DHS 157.61 (10), 157.64 (4), or equivalent agreement state requirements, that the individual has satisfactorily completed the requirements of sub. (4) (a) 1. or (c) and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under sub. (1).</i></p> <p>Wisconsin need to adopt and revise the references as noted above, in order to meet Compatibility Category B designation assigned to 10 CFR 35.190.</p>
5	157.64 (5) and (8)(b)	§ 35.392	2009-1	<p>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).</p>

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					<p>Wisconsin reference in DHS 157.64(5)(c)(2) to "...who meets the requirements of sub. (4)(a) or (b), (5) or (6), s. DHS 157.61(10) or equivalent agreement state requirements" is not equivalent to "...who meets the requirements in §§ 35.57,35.390, 35.392, 35.394, or equivalent Agreement State requirements." in 10 CFR 35.392.</p> <p>Disagree. DHS 157.64(5)(c)2.-see below-contains the equivalent references. 35.57 = 157.61(10) 35.390 = 157.64(4) or sub. (4)(a) or (b) 35.392 = 157.64(5) or sub. (5) 35.394 = 157.64(6) or sub. (6)</p> <p>2. Work experience, under the supervision of an authorized user who meets the requirements in sub. (4) (a) or (b), (5) or (6), s. DHS 157.61 (10), or equivalent agreement state requirements.</p> <p>Wisconsin needs to revise the references as noted above, in order to meet Compatibility Category B designation assigned to 10 CFR 35.392.</p>
6	157.64 (6) and (8)(c)	§ 35.394	2009-1	B	<p>Training for the oral administration of sodium iodide I-131 requiring a written directive in quantities greater than 1.22 gigabecquerels (33 millicuries).</p> <p>Wisconsin in DHS 157.64 (6)(c)(2) refers to "...who meets the requirements in sub. (4)(a) or (b), this subsection, s. DHS 157.61(10) or equivalent..." not equivalent to reference in 10 CFR 35.394(c)(2) to "...who meets the requirements in §§ 35.57, 35.390, 35.394, or equivalent..."</p> <p>Disagree. DHS 157.64(6)(c)2.-see below-contains the equivalent references.</p>

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				<p>35.57 = 157.61(10) 35.390 = 157.64(4) or sub. (4)(a) or (b) 35.394 = 157.64(6) or this subsection</p> <p>2. Work experience, under the supervision of an authorized user who meets the requirements in sub. (4) (a) or (b), this subsection, s. DHS 157.61 (10), or equivalent agreement state requirements.</p> <p>Wisconsin in DHS 157.64 (8)(c) refers to "...who meets the requirements in sub (4) or (6), s. DHS 157.61(10), or equivalent..." not equivalent to reference in 10 CFR 35.394(3) to "...who meets the requirements in §§ 35.57, 35.390, 35.394, or equivalent...".</p> <p>Disagree. DHS 157.64(8)(c)-see below-contains the equivalent references. 35.57 = 157.61(10) 35.390 = 157.64(4) or sub.(4) 35.394 = 157.64(6) or sub.(6)</p> <p>(c)Oral administration of sodium iodide I-131 requiring a written directive in quantities greater than 1.22 Gigabecquerels (33 millicuries). A licensee shall require an authorized user for the oral administration of sodium iodide I-131 requiring a written directive in quantities greater than Gigabecquerels (33 millicuries) to have obtained written attestation that the individual has satisfactorily completed the requirements in sub. (6) (c) and has achieved a level of competency sufficient to function independently as an authorized user under sub. (1). The written attestation shall be signed by a preceptor authorized user who meets the requirements in sub. (4) or (6), s. DHS 157.61 (10), or equivalent agreement state requirements</p>

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					Wisconsin needs to revise the references as noted above, in order to meet Compatibility Category B designation assigned to 10 CFR 35.394.
7	157.64 (7) and (8)(d)	§ 35.396	2009-1	B	<p>Training for the parenteral administration of unsealed byproduct material requiring a written directive</p> <p>Wisconsin omits reference to 10 CFR 35.390 in DHS 157.64 (7) and (8)(d).</p> <p>Disagree. Sub. (4) = DHS 157.64(4), which is equivalent to 10 CFR 35.390. There are no missing references.</p> <p>Wisconsin needs to adopt the references as noted above, in order to meet Compatibility Category B designation assigned to 10 CFR 35.396.</p>