

November 16, 2001

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

Dear Mr. Goff:

As requested, we have reviewed the proposed Regulations for Control of Radiation in Mississippi sent February 16, 2001. The undated proposed regulations are in Part 801, Section A, General Provisions; Section C, Licensing of Radioactive Material; Section D, Standards for Protection Against Radiation; Section E, Industrial Radiographic Operations; Section Q, Licensing and Radiation Safety Requirements for Irradiators; and Section T, Transportation of Radioactive Materials. The proposed regulations are in response to the 26 amendments identified in the enclosed State Regulation Status (SRS) Data Sheet. In addition, we reviewed our August 2, 1996, letter to you that addressed RATS ID 1993-2 and 1994-1, and confirmed the final regulations from the 1994 review. The regulations were reviewed by comparison to the equivalent NRC regulations in 10 CFR Parts 20, 30, 34, 35, 36, 39, 40, 61, 70, 71, and 150. We also discussed our review of the regulations with Mr. B. J. Smith on March 22, 2001.

As a result of our review, we have four comments that have been identified in the Enclosure. In addition, we have four editorial comments that are also Enclosed. 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 State regulation. However, we have determined that if your proposed regulations were adopted incorporating the comments and without other significant change, they would meet the compatibility and health and safety categories established in 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* (November 10, 1998), please highlight the final changes and send one copy in a computer readable format, if possible.

The State Regulation Status summarizes our knowledge of the status of other Mississippi regulations as indicated. This letter including the Status is posted on the STP Web Site: <http://www.hsrp.ornl.gov/nrc/rulemaking.htm>.

Robert W. Goff

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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 at (301) 415-2325 or Richard L. Woodruff of the Region II office at (404) 562-4704 or rlw@nrc.gov.

Sincerely,

/RA/

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

Enclosures:
As stated

Distribution:

DIR RF [1-48]
SSalomon, ASPO
SCDrogittis
BGUsilton
Mississippi File

DCD (SP06) PDR (YES)

Response to Incoming Document: ML010590507

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STP-AG-15

COMMENTS ON PROPOSED MISSISSIPPI REGULATIONS
AGAINST COMPATIBILITY AND HEALTH AND SAFETY CATEGORIES

State Regulation	NRC Regulation	RATS ID	Category	Subject and Comments
801.T.16	71.88	1996-1	B	<p>Air Transportation of Plutonium</p> <p>Paragraphs (a), (b), and (c) omit the word “or” placed at the end of each paragraph. This word is required to keep each condition as a separate condition (only one condition needs to be met).</p> <p>The word “or” must be inserted to meet the compatibility category.</p>
801.T. Appendix A Table VI	Part 71, Appendix A Table A-3	1996-1	B	<p>Activity-Mass Relationships for Uranium</p> <p>Footnote number 1 to Table VI lists the incorrect isotope (uranium-235). The isotope should be <i>uranium-234</i>.</p> <p>The correct isotope should be used to meet the compatibility category.</p>
801E5(h)	34.13 (h)	1998-4	B	<p>Specific License for Industrial Radiography</p> <p>This section is missing the qualifications of the person that performs the testing in contrast to the person who analyzes them.</p> <p>The wording needs to be altered to reflect the wording of 34.13 (h)</p>
801E15(c)	34.20	1998-4	B	<p>Performance Requirements for Radiography Equipment</p> <p>The reference to the need for a collimator needs to be removed to meet compatibility.</p>

Editorial Comments

1. 801.D.3 definition of "Quarter"- replace "providing" with "provided."
2. 801.D.906(b)(2) replace "labeled ⁵" with "labeled ⁶" error in footnote numbering.
3. 801.D.1111 delete extra spaces between "records" and "such as...."
4. 801.W.104 (a) - In paragraph (a) the term milliroentgen needs to be replaced with the term millisieverts (mSv) and millirem (mrem) to be consistent with other parts of the regulations.

STATE REGULATION STATUS

State: Mississippi

[26 proposed amendments (2/16/01) reviewed are identified by a ★ at the beginning of each equivalent NRC regulation]

Tracking Ticket Number: 1-48
Date: November 16, 2001

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed (P) / Final (F) ¹ Rule / ML # ⁵	NRC Review / Y, N ² / Date / ML # ⁵	Final State Regulation ¹ (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 ³
★ 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 ³
★ 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 ⁴
★ 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

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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 Examinations for Use of Respiratory Protection Equipment-Part 20	60 FR 7900; (3/13/98)	1995-2	P ML010590507	N 11/16/01 ML013230431	7/10/96
★ 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 28723 (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 ³
★ 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	

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed (P) / Final (F) ¹ Rule / ML # ⁵	NRC Review / Y, N ² / Date / ML # ⁵	Final State Regulation ¹ (Effective Date)
★ 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 ³
★ 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	P ML010590507	N 11/16/01 ML013230431	
★ Radiological Criteria for License Termination-Parts 20, 30, 40, 70	62 FR 39058; (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 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	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 ³

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed (P) / Final (F) ¹ Rule / ML # ⁵	NRC Review / Y, N ² / Date / ML # ⁵	Final State Regulation ¹ (Effective Date)
★ Respiratory Protection and Controls to Restrict Internal Exposure-Part 20	64 FR 54543; 64 FR 55525 (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			
New Dosimetry Technology-Parts 34, 36, 39	65 FR 63749; (1/8/04)	2000-2			

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