

February 27, 2003

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

Dear Mr. Goff:

As requested, we have reviewed the proposed revisions to the Mississippi State Department of Health's *Regulations for Control of Radiation in Mississippi*, Part 801, Section W, Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies, dated January 23, 2003. The proposed regulations are in response to the two amendments identified in the enclosed State Regulation Status (SRS) Data Sheet. The regulations were reviewed by comparison to the equivalent NRC regulations in 10 CFR Parts 34, 36 and 39. We discussed our review of the regulations with you on February 27, 2003.

As a result of our review, we have enclosed one comment. 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 our comment and without 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 Regulatory Requirements* (November 10, 1998), please highlight the final changes and send one copy to STP.

The SRS Data Sheet summarizes our knowledge of the status of other Mississippi regulations, as indicated. This letter, including the SRS Data Sheet, is posted on the STP Web Site: <http://www.hsrdo.org/nrc/rulemaking.htm>. If you have any questions regarding the compatibility and health categories, or any of the NRC regulations used in the review, please contact me, or Dr. Stephen N. Salomon at 301-415-2368, or e-mail at [SNS@NRC.GOV](mailto:SNS@NRC.GOV).

Sincerely,

**/RA by Josephine Piccone/**

Josephine Piccone, Deputy Director  
Office of State and Tribal Programs

Enclosure:  
As stated

February 27, 2003

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Josephine Piccone, Deputy Director  
Office of State and Tribal Programs

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**Response to Incoming Document: ML030280365**

DOCUMENT NAME: C:\ORPCheckout\FileNET\ML030620127.wpd

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**COMMENTS ON FINAL LOUISIANA REGULATIONS  
AGAINST COMPATIBILITY AND HEALTH AND SAFETY CATEGORIES**

<b>State Regulation</b>	<b>NRC Regulation or SSR</b>	<b>RATS ID</b>	<b>Category</b>	<b>Subject and Comments</b>
801.W 108 (f)	39.41	2000-1	B	<p><b>Design and Performance Criteria for Sources</b></p> <p>Instead of the wording in 10 CFR 39.41 (f), "...must be <b>registered</b> with the Commission under Sec. 32.210 of this chapter or with an Agreement State." the State uses "...must be <b>evaluated</b> in accordance with 10 CFR 32.210 or equivalent Agreement State regulations."</p> <p>The act of registering consists of all the steps described in 32.210, only one of which is a device evaluation. In omitting the word "registered" the State is omitting the other requirements of 32.210.</p> <p>The State needs to replace the word "evaluated" with "registered" to achieve compatibility.</p>

## STATE REGULATION STATUS

**State: Mississippi**

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

**Tracking Ticket Number: 3-27**

**Date: February 27, 2003**

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			

<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>
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 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>
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	

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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	P <b>ML030280365</b>	Y 2/27/03 <b>ML030620193</b>	
*New Dosimetry Technology-Parts 34, 36, 39	65 FR 63750; (1/8/04)	2000-2	P <b>ML030280365</b>	N 2/27/03 <b>ML030620193</b>	
Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material - Parts 30, 31, 32	65 FR 79162	2001-1			
Revision of the Skin Dose Limit -Part 20	67 FR 16298; 4/5/05	2002-1			
Medical Use of Byproduct Material-Parts 20, 32, and 35	67 FR 20249; 4/24/05	2002-2			

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



