



MISSISSIPPI STATE DEPARTMENT OF HEALTH

May 7, 2005

Paul H. Lohaus, Director
Office of State and Tribal Programs
U.S. Nuclear Regulatory Commission (NRC)
Washington, DC 20555

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STP

Dear Mr. Lohaus:

This letter is in reference to the Chairman and Commissioners May 9 - May 10, 2005, meeting with the Board leadership from the Organization of Agreement States (OAS) and the Conference of Radiation Control Program Directors (CRCPD) to discuss the Agreement States concerns with the adoption of the General Licensed (GL) Rule and the inappropriate comments made during February 15, 2005, Waste Program Briefing. Although, I have not provided written comments until this time, Mississippi's major concerns were reflected in NRC staff report, "Status of States Adoption of GL Rule and Compatibility Concerns" dated February 17, 2005.

Mississippi issued its first GL registration on April 16, 1963, after becoming the second Agreement State in 1962. Although the registration program contains the basic provisions of the GL rule, it is more restrictive. All GL devices are required to be registered and periodic inspections are performed to determine the accountability of GL devices and compliance with the regulations. In some instances, GL devices containing large sources (i.e., 2 curies of cesium-137) have been authorized only under a specific license due to the manner and location of use of the device. If a general licensee had problems maintaining accountability of GL devices, a specific license has been required to protect public health and safety.

In the 1980's, Mississippi's GL registration program proved to be effective during the nationwide recall of static elimination devices that required the states and NRC to survey facilities for contamination. As I recall, the accountability of these devices was a major problem for NRC and some states, which depended only on information from the manufacturer. In Mississippi with the registration program, the state was able to locate and/or verify that all of these devices had been properly returned to the manufacturer for disposal.

Brian W. Amy, MD, MHA, MPH, State Health Officer

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Over the forty years, of requiring registration of GL devices, notifications and approximately 25 years of accessing fees of general licensees and companies installing and servicing, I am not aware of any "transboundary implications" as indicated by the Commission. For NRC and other Agreement States who did not have a GL registration program, the GL rule was a step forward. For those states such as Mississippi, who already have a registration program or require a specific license for GL devices, the rule is a major step backwards.

I fully support the efforts Mr. Jared W. Thompson, and Mr. Ed Bailey to resolve these issues and hope that this meeting will be productive in addressing the Agreement States' concerns.

If you should have any questions, please contact me (601) 987-6893.

Sincerely,



Robert W. Goff, Director
Division of Radiological Health
Mississippi State Department of Health

cc: Jared Thompson, Chair OAS
Ed Bailey, Past Chair CRCPD

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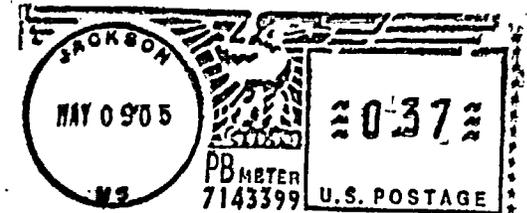


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