



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

June 15, 2017

B.J. Smith, Director
Division of Radiological Health
Mississippi State Department of Health
3150 Lawson Street, P.O. Box 1700
Jackson, MS 39215-1700

Dear Mr. Smith:

We have reviewed the final revisions to the Mississippi regulations, Title 15, Part 21, Subpart 78 "Radiological Health," received by our office on May 18, 2017, in which you are addressing the comments from our letter dated July 9, 2013, specifically related to Regulation Amendment Tracking System Identification Numbers (RATS ID) 2001-1, 2004-1, and 2007-3, and other provisions not associated with a RATS ID as identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with Jayson Moak on June 14, 2017.

As a result of our review, we have three comments that have been identified in the enclosure. Please note that we have limited our review to regulations required for compatibility and/or health and safety. We have determined that if these regulations are revised, incorporating our comments and without other significant change, they would meet the compatibility and health and safety categories established in the Office of Nuclear Material Safety and Safeguards (NMSS) Procedure SA-200, "Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements."

We request that when you revise your regulations to address our comments, a copy of the "as published" regulations be provided to us for review. As requested in NMSS Procedure SA-201, "Review of State Regulatory Requirements," please highlight the location of any changes made by Mississippi, in response to our comments, and provide a copy to Division of Material Safety, State, Tribal, and Rulemaking Programs, NMSS. 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 NMSS State Communication Portal: <https://scp.nrc.gov/rulemaking.html>.

If you have any questions regarding the comments, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact Michelle Beardsley, State Regulation Review Coordinator, at (267) 884-2305 (Michelle.Beardsley@nrc.gov) or Binesh Tharakan at (817) 200-1116 (Binesh.Tharakan@nrc.gov).

Sincerely,

/RA Paul Michalak for/

Kevin Williams, Deputy Director
Division of Material Safety, State, Tribal
and Rulemaking Programs
Office of Nuclear Material Safety
and Safeguards

Enclosures:

1. Compatibility Comments
2. Mississippi SRS Data Sheet

B. Smith

-3-

SUBJECT: XX/XX/2017 LETTER TO B.J. SMITH RE: MISSISSIPPI REVISED FINAL REGULATIONS TO RATS IDS 2001-1, 2004-1, AND 2007-3, AND OTHER PROVISIONS NOT ASSOCIATED WITH A RATS ID (June 15, 2017)

DISTRIBUTION: SP[08]
DIR RF (17-43)
B. Tharakan, RSAO
Mississippi File

OFFICE	RIV	ASPB	OGC	ASPB:BC	MSTR:DD
NAME	BTharakan	MBeardsley	TSmith NLO via email	PMichalak	PMichalak for KWilliams
DATE	6/1/17	6/2/17	6/14/17	6/15/17	6/15/17

ML17156A207

OFFICIAL RECORD COPY

Package ML17139D420

COMPATIBILITY COMMENTS ON MISSISSIPPI REVISED FINAL REGULATIONS

	STATE SECTION	NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	N/A	32.210(a), (b), (c), (d), (e), & (f)	N/A	B	<p>Registration of product information</p> <p>Mississippi omits equivalent language to 10 CFR 32.210 (a), (b), (c), (d), (e), and (f).</p> <p>Mississippi needs to add an equivalent provision to 10 CFR 32.210 (a), (b), (c), (d), (e), and (f) in order to meet the Compatibility Category B designation assigned to 10 CFR 32.210 (a), (b), (c), (d), (e), and (f).</p> <p>COMMENT STANDS FROM NRC LETTER DATED JULY 9, 2013 (ML13002A239)– MS is intending to return the SS&D program to NRC therefore it was not incorporated into regulation.</p>
2	1.13.2.14	71.4	2004-1	B	<p>Definition: Low Specific Activity (LSA) material</p> <p>The codification used by Mississippi for the definition of LSA material is incorrect. Specifically, the codification for LSA-III is inconsistent with the rest of the definition, i.e. 1.13.2.14.c.i should be moved to 1.13.2.14.c after LSA-III and 1.13.2.14.c.ii, iii, iv, should be renumbered 1.13.2.14.c.i, ii, and iii, respectively.</p> <p>Mississippi needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 71.4, Definition: Low Specific Activity (LSA) material.</p>

3	1.7.19	35.50	N/A	B	<p>Training for Radiation Safety Officer</p> <p>Mississippi Rule 1.7.19 lists references to 1.7.19(3), (4), and (5), which do not exist or are codified incorrectly. Sections 1.7.19(3), (4), and (5) should correspond directly to 10 CFR 35.50 (c), (d), and (e), respectively.</p> <p>Mississippi needs to correct the codification errors in Rule 1.7.19 and add sections 1.7.19(3), (4), and (5) to correspond to 10 CFR 35.50 (c), (d), and (e), respectively.</p> <p>Mississippi needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 35.50.</p>
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STATE REGULATION STATUS

State: Mississippi

Tracking Ticket Number: 17-43

Date: 06/15/2017

[#4 amendment(s) reviewed identified by a *at the beginning of the equivalent NRC requirement.]

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1991-1	Safety Requirements for Radiographic Equipment Part 34 55 FR 843 (Superceded by 1997-5)	01/10/1994	Final ¹ ML010590507	No Comments 11/16/2001 ML013230431	Mississippi has adopted Final Regulations equivalent to RATS ID: 1997-5.
1991-2	ASNT Certification of Radiographers Part 34 56 FR 11504 (Superceded by 1997-5)	none	Not Required	Not Required	Mississippi has adopted Final Regulations equivalent to RATS ID: 1997-5.
1991-3	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;	01/01/1994	Final ¹ ML010590507	No Comments 11/16/2001 ML013230431	
1991-4	Notification of Incidents Parts 20, 30, 31, 34, 39, 40, and 70 56 FR 64980;	10/15/1994	Final ¹ ML010590507	No Comments 11/16/2001 ML013230431	
1992-1	Quality Management Program and Misadministrations Part 35 56 FR 34104 (Superceded by 2002-2)	01/27/1995	Final ¹ ML010590507	No Comments 11/16/2001 ML013230431	Mississippi has adopted Final Regulations equivalent to RATS ID: 2002-2.
1992-2	Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions Parts 30 and 35 57 FR 45566	none	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1993-1	Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites] Parts 30 and 40 58 FR 39628	10/25/1996	Final ¹ ML010590507	No Comments 11/16/2001 ML013230431	
1993-2	Licensing and Radiation Safety Requirements for Irradiators Part 36 58 FR 7715	07/01/1996	Final ¹ ML010590507	No Comments 11/16/2001 ML013230431	
1993-3	Definition of Land Disposal and Waste Site QA Program Part 61 58 FR 33886	07/22/1996	Not Applicable ²	Not Applicable	Mississippi does not have any licensees subject to these regulations. (See SECY-95-112)
1994-1	Self-Guarantee as an Additional Financial Mechanism Parts 30, 40, and 70 58 FR 68726; 59 FR 1618	none	Final ¹ ML010590507	No Comments 11/16/2001 ML013230431	These regulation changes are not required to be adopted for purposes of Compatibility.
1994-2	Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards Part 40 59 FR 28220	07/01/1997	Not Applicable	Not Applicable	Mississippi does not have authority to regulate this material under its Agreement.
1994-3	Timeliness in Decommissioning Material Facilities Parts 30, 40, and 70 59 FR 36026	08/15/1997	Final ¹ ML010590507	No Comments 11/16/2001 ML013230431	
1995-1	Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use Parts 30, 32, and 35 59 FR 61767; 59 FR 65243; 60 FR 322	01/01/1998	Final ML091540220	No Comments 07/21/2009 ML091670024	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1995-2	Frequency of Medical Examinations for Use of Respiratory Protection Equipment Part 20 60 FR 7900	03/13/1998	Final ¹ ML010590507	No Comments 11/16/2001 ML013230431	
1995-3	Low-Level Waste Shipment Manifest Information and Reporting Parts 20 and 61 60 FR 15649; 60 FR 25983	03/01/1998	Final ¹ ML010590507	No Comments 11/16/2001 ML013230431	
1995-4	Performance Requirements for Radiography Equipment Part 34 60 FR 28323 (Superceded by 1997-5)	06/30/1998	Final ¹ ML010590507	No Comments 11/16/2001 ML013230431	Mississippi has adopted Final Regulations equivalent to RATS ID: 1997-5.
1995-5	Radiation Protection Requirements: Amended Definitions and Criteria Parts 19 and 20 60 FR 36038	08/14/1998	Final ¹ ML010590507	No Comments 11/16/2001 ML013230431	
1995-6	Clarification of Decommissioning Funding Requirements Parts 30, 40, and 70 60 FR 38235	11/24/1998	Final ¹ ML010590507	No Comments 11/16/2001 ML013230431	
1995-7	Medical Administration of Radiation and Radioactive Materials Parts 20 and 35 60 FR 48623 (Superceded by 2002-2 and 2005-2)	10/20/1998			
1996-1	Compatibility with the International Atomic Energy Agency Part 71 60 FR 50248; 61 FR 28724 (Superceded by 2004-1)	04/01/1999			

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1996-2	One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses Parts 30, 40, and 70 61 FR 1109	02/15/1999	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1996-3	Termination or Transfer of Licensed Activities: Record keeping Requirements Parts 20, 30, 40, 61, and 70 61 FR 24669	06/17/1999	Final ¹ ML010590507	No Comments 11/16/2001 ML013230431	
1997-1	Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act Part 20 61 FR 65120	01/9/2000	Final ¹ ML010590507	No Comments 11/16/2001 ML013230431	
1997-2	Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State Part 150 62 FR 1662	02/27/2000	Final ¹ ML010590507	No Comments 11/16/2001 ML013230431	
1997-3	Criteria for the Release of Individuals Administered Radioactive Material Parts 20 and 35 62 FR 4120	05/29/2000	Final ¹ ML010590507	No Comments 11/16/2001 ML013230431	
1997-4	Fissile Material Shipments and Exemptions Part 71 62 FR 5907 (Superseded by 2004-1)	02/10/2000	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-97-078)
1997-5	Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations Parts 30, 34, 71, and 150 62 FR 28947	06/27/2000	Final ¹ ML010590507	No Comments 11/16/2001 ML013230431	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1997-6	Radiological Criteria for License Termination Parts 20, 30, 40, and 70 62 FR 39057	08/20/2000	Final ¹ ML010590507	No Comments 11/16/2001 ML013230431	
1997-7	Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea Part 30 62 FR 63634	01/02/2001	Final ¹ ML010590507	No Comments 11/16/2001 ML013230431	
1998-1	Deliberate Misconduct by Unlicensed Persons Parts 30, 40, 61, 70, 71, and 150 63 FR 1890; 63 FR 13773	02/12/2001	Final ¹ ML010590507	No Comments 11/16/2001 ML013230431	
1998-2	Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees Parts 30, 40, and 70 63 FR 29535	07/01/2001	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1998-3	License Term for Medical Use Licenses Part 35 63 FR 31604 (Superceded by 2002-2)	07/10/2001	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-98-074) Mississippi has adopted Final Regulations equivalent to RATS ID: 2002-2.
1998-4	Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations Part 34 63 FR 37059	07/09/2001	Final ML091540220	No Comments 07/21/2009 ML091670024	
1998-5	Minor Corrections, Clarifying Changes, and a Minor Policy Change Parts 20, 32, 35, 36, and 39 63 FR 39477; 63 FR 45393	10/26/2001	Final ¹ ML010590507	No Comments 11/16/2001 ML013230431	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1998-6	Transfer for Disposal and Manifests: Minor Technical Conforming Amendment Part 20 63 FR 50127	11/20/2001	Final ¹ ML010590507	No Comments 11/16/2001 ML013230431	
1999-1	Radiological Criteria for License Termination of Uranium Recovery Facilities Part 40 64 FR 17506	06/11/2002	Not Required	Not Required	Mississippi does not have the authority to regulate this material under its Agreement.
1999-2	Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information Part 31 64 FR 42269	10/04/2002	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1999-3	Respiratory Protection and Controls to Restrict Internal Exposure Part 20 64 FR 54543; 64 FR 55524	02/02/2003	Final ¹ ML010590507	No Comments 11/16/2001 ML013230431	
2000-1	Energy Compensation Sources for Well Logging and Other Regulatory Clarifications Part 39 65 FR 20337	05/17/2003	Final ML040290385	No Comments 02/03/2004 ML040340553	
2000-2	New Dosimetry Technology Parts 34, 36, and 39 65 FR 63750	01/08/2004	Final ML040290385	No Comments 02/03/2004 ML040340553	
*2001-1	Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material Parts 30, 31, and 32 65 FR 79162	02/16/2004	Final ML12275A387 Revised Final ML17139D421	No Comments 07/09/2013 ML13002A239 No Comments DATE ML17139D420	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2002-1	Revision of the Skin Dose Limit Part 20 67 FR 16298	04/05/2005	Final ML051380417	No Comments 06/15/2005 ML051660091	
2002-2	Medical Use of Byproduct Material Parts 20, 32, and 35 67 FR 20249	10/24/2005	Final ML051380417	No Comments 06/15/2005 ML051660091	
2003-1	Financial Assurance for Materials Licensees Parts 30, 40, and 70 68 FR 57327	12/03/2006	Final ML12275A387	No Comments 07/09/2013 ML13002A239	
*2004-1	Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments Part 71 69 FR 3697	10/01/2007	Final ML12275A387 Revised Final ML17139D421	Comments 07/09/2013 ML13002A239 Comment DATE ML17139D420	
2005-1	Security Requirements for Portable Gauges Containing Byproduct Material Part 30 70 FR 2001	07/11/2008	Final ML091540220	No Comments 07/21/2009 ML091670024	
2005-2	Medical Use of Byproduct Material - Recognition of Specialty Boards Part 35 70 FR 16336; 71 FR 1926	04/29/2008	Final ML091540220	No Comments 07/21/2009 ML091670024	
2005-3	Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) 70 FR 72128	12/01/2005	License Condition ML053110130	No Comments 11/07/2005 ML053120172	
2006-1	Minor Amendments Parts 20, 30, 32, 35, 40, and 70 71 FR 15005	03/27/2009	Final ML091540220	No Comments 07/21/2009 ML091670024	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2006-2	National Source Tracking System - Serialization Requirements Part 32 with reference to Part 20 Appendix E 71 FR 65685	02/06/2007	Final ML091540220	No Comments 07/21/2009 ML091670024	
2006-3	National Source Tracking System Part 20 71 FR 65685, 72 FR 59162	01/31/2009	Final ML091540220 License Condition ML083460151	No Comments 07/21/2009 ML091670024 No Comment 12/30/2008 ML083530040	
2007-1	Medical Use of Byproduct Material - Minor Corrections and Clarifications Parts 32 and 35 72 FR 45147, 54207	10/29/2010	Final ML091540220	No Comments 07/21/2009 ML091670024	
2007-2	Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements Parts 30, 31, 32, and 150 72 FR 58473	12/17/2010	Final ML091540220	No Comments 07/21/2009 ML091670024	
*2007-3	Requirements for Expanded Definition of Byproduct Material Parts 20, 30, 31, 32, 33, 35, 61, and 150 72 FR 55864	11/30/2010	Final ML12275A387 Revised Final ML17139D421	Comments 07/09/2013 ML13002A239 No Comments DATE ML17139D420	
2007-4	Order Imposing Fingerprinting Requirements and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material NRC Order EA-07-305 72 FR 70901	06/05/2008	License Condition ML081090337	No Comments 05/01/2008 ML081220282	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2008-1	Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent Parts 19 and 20 72 FR 68043	02/15/2011	Final ML091540220	No Comments 07/21/2009 ML091670024	
2009-1	Medical Use of Byproduct Material – Authorized User Clarification Part 35 74 FR 33901	09/28/2012	Final ML12275A387	No Comments 07/09/2013 ML13002A239	
2011-1	Decommissioning Planning Parts 20, 30, 40, and 70 76 FR 35512	12/17/2015			
2011-2	Licenses, Certifications, and Approvals for Materials Licensees Parts 30, 36, 39, 40, 70, and 150 76 FR 56951	11/14/2014	Final ML12275A387	No Comments 07/09/2013 ML13002A239	
2012-1	Change of Compatibility of 10 CFR 31.5 and 31.6 (See RATS ID: 2001-1 for Rule text) 77 FR 3640	01/25/2015	Final ML12275A387 Revised Final ML17081A234	Comments 07/09/2013 ML13002A239 No Comments 04/06/2017 ML17081A217	
2012-2	Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste Part 71 77 FR 34194	08/10/2015	Revised Final ML17081A234	No Comments 04/06/2017 ML17081A217	
2012-3	Technical Corrections Part 30, 34, 40, and 71 77 FR 39899	08/06/2015	Revised Final ML17081A234	No Comments 04/06/2017 ML17081A217	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2012-4	Requirements for Distribution of Byproduct Material Parts 30, 31, 32, 40, and 70 77 FR 43666	10/23/2015			
2013-1	Physical Protection of Byproduct Material, 10 CFR Parts 20, 30, 32, 33, 34, 35, 36, 37, 39, and 71 78 FR 16922	03/19/2016	License Condition ML15194A389	No Comments 08/05/2015 ML15194A385	
2013-2	Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions Parts 30, 40, and 70 78 FR 32310	08/27/2016			
2015-1	Domestic Licensing of Special Nuclear Material – Written Reports and Clarifying Amendments Part 70 79 FR 57721, 80 FR 143	01/26/2018			
2015-2	Safeguards Information - Modified Handling Categorization, Change for Materials Facilities Parts 30, 37, 73, and 150 79 FR 58664, 80 FR 3865	01/28/2018			
2015-3	Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements Part 71 80 FR 33987	07/13/2018			
2015-4	Miscellaneous Corrections Parts 37 and 40 80 FR 45841	09/02/2018			
2015-5	Miscellaneous Corrections Parts 19, 20, 30, 32, 37, 40, 61, 70, 71, and 150 80 FR 74974	12/31/2018			

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
*N/A	Various provisions - renumbering of State regulations	N/A	Final ML12275A387 Revised Final ML17139D420	Comments 07/09/2013 ML13002A239 Comments DATE ML17139D420	Comments re: 32.210 (a) through (f), and 35.50

¹ Mississippi submitted a final version of these regulations during the time frame in which the proposed version of these regulations was being reviewed. Staff then continued the review with the submitted final regulations. The outgoing letter (ML013230431) incorrectly states that only the proposed regulations were reviewed.

² IMPEP Team: verify that Mississippi does not have any licensees subject to these regulations during each review.