

**COMMENT RESOLUTION ON LOUISIANA FINAL REGULATIONS**

**FROM NRC LETTER DATED NOVEMBER 19, 2014**

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	LAC Title 33: Part XV, Section 541  Located on Page 13 of RP058ft	34.23	1997-5	B	<p><b>Locking of Sources of Radiation</b></p> <p>Louisiana needs to replace the word “trainee” with the term “radiographer trainee” in paragraphs A and B of Section 541.</p> <p>Louisiana needs to make the above change to meet the Compatibility Category B designation assigned to 10 CFR 34.23.</p> <p><b>Comment revised from NRC’s letter dated August 6, 2014.</b></p> <p><b>COMMENT RESOLVED</b></p>

**FROM NRC LETTER DATED JULY 29, 2014**

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	LAC33:XV 102  Located on Page 2 of RP058ft	20.1003	2007-3	H&S	<p><b>Definition: Byproduct material.</b></p> <p>In item 5., insert “U.S. Nuclear Regulatory” before “Commission.”</p> <p>Louisiana needs to make the above change to meet the Category H&amp;S designation assigned to the definition of Byproduct material in 10 CFR 20.1003.</p> <p><b>COMMENT RESOLVED</b></p>
2	LAC33:XV 102 and 1302  Located on Page 2 of	20.1003 61.2	2007-3	B	<p><b>Definition: Waste.</b></p> <p>In item 1., Louisiana's regulations states "...in the definition of byproduct material of this Section..." Louisiana needs to revise this to state "...in the definition of byproduct material,</p>

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	RP058ft				<p>paragraphs (3), (4), and (5)."</p> <p>Louisiana needs to make the above change to meet the Compatibility Category B designation assigned to the definition of Waste in 10 CFR 20.1003.</p> <p><b>COMMENT RESOLVED</b></p>
3	<p>LAC 33:XV.460.A.4</p> <p>Located on Page 11 of RP058ft</p>	20.2001	2007-3	C	<p><b>General requirements.</b></p> <p>In LAC 33:XV.460.A.4, Louisiana omitted a reference to an equivalent regulation to 10 CFR 20.2008, which is LAC 33:XV.465.F. Louisiana needs to modify Section 460.A.4 to include a cross reference to Paragraph 465.F.</p> <p>Louisiana needs to make the above change to meet the Compatibility Category C assigned to 10 CFR 20.2001(a)(4).</p> <p><b>COMMENT RESOLVED</b></p>
4	<p>LAC 33:XV.465.E</p> <p>Located on Page 11 of RP058ft</p>	20.2006(e)	2007-3	B	<p><b>Transfer for disposal and manifests.</b></p> <p>Louisiana omitted "and transfer this recorded manifest information to the intended consignee" from its regulations in LAC 33:XV.465.E.</p> <p>In LAC 33:XV.465.E, Louisiana needs to add "and transfer this recorded manifest information to the intended consignee" after "shall document the information required for the consignee..."</p> <p>Louisiana needs to make the above changes to meet the Compatibility Category B assigned to 10 CFR 20.2006(e).</p>

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5	LAC 33:XV 465.F  Located on Page 11 of RP058ft	20.2008	2007-3	B	<p><b>Disposal of 11e.(3) and 11e.(4) byproduct material.</b></p> <p>In LAC 33:XV.465.F, Louisiana needs to add “or transferred for ultimate disposal” in LAC 33:XV.465.F. after “any licensed byproduct material being disposed of...”</p> <p>Louisiana needs to make the above change to meet the Compatibility Category B assigned to 10 CFR 20.2008.</p> <p><b>COMMENT RESOLVED</b></p>
6	LAC 33:XV 499  Located on Page 12 of RP058ft	Appendix B, Part 20	2007-3	A	<p><b>Appendix B, Part 20, List of Elements table.</b></p> <p>Louisiana needs to include Nitrogen and Oxygen in the List of Elements table in LAC 33:XV 499.</p> <p>Louisiana needs to make the above change to meet the Compatibility Category A assigned to Appendix B, Part 20, List of Elements.</p> <p><b>COMMENT RESOLVED</b></p>
7	LAC 33:XV 301.A  Located on Page 3 of RP058ft	30.3(a)	2007-3	C	<p><b>Activities requiring license.</b></p> <p>Louisiana omitted "manufacture" and "produce" in its regulation in Section 301.A.</p> <p>Louisiana needs to add "manufacture" and "produce" to Section 301.A. to meet the Compatibility Category C</p>

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					designation assigned to 10 CFR 30.3(a).  <b>COMMENT RESOLVED</b>
8	LAC 33:XV, 324.D.1.d  Located on Page 6 of RP058ft	30.32(j)	2007-3	b	<b>Application for specific licenses</b>  In LAC 33:XV, 324.D.1.d., Louisiana needs to revised "information submitted to members of its consortium for noncommercially transferred PET drugs on the radionuclide;..." to "Information on the PET drugs to be noncommercially transferred to members of its consortium, including the radionuclide; ..."  Louisiana needs to make the above change to meet the Compatibility Category B assigned to 10 CFR 30.32(j).  <b>COMMENT RESOLVED</b>
9	LAC 33:XV 731.J., K., and I  Located on Page 13-14 of RP058ft	30.34(j)	2007-3	B	<b>Terms and conditions of licenses.</b>  Louisiana needs to make the following changes:  a) In Sections 731.J., K., and I. to Section 328.K, change the reference to "Section 328.K" to "Section 324.D.1." b) Louisiana needs to delete Section 731.K.2 and insert "or" at the end of 731.K.1; and change 731.K.3 to 731.K.2. c) In LAC 33:XV.731.K.3, Louisiana states, in part, "an individual who was trained under the supervision of an authorized user..." Louisiana needs to delete "who was trained" and "authorized user or an" from Section 731.K.3. d) In LAC 33:XV.731, Louisiana

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					<p>omitted regulations equivalent to 10 CFR 30.34(j)(4). Louisiana needs to add equivalent regulations to 10 CFR 30.34(j)(4).</p> <p>Louisiana needs to make the above changes to meet the Compatibility Category B designation assigned to 10 CFR 30.34(j).</p> <p><b>COMMENT RESOLVED</b></p>
10	LAC 33:XV 399.B  Located on Page 58 of Title 33 Environmental Quality Part XV Radiation Protection (attached)	30.71	2007-3	B	<p><b>Schedule B.</b></p> <p>Louisiana needs to include Gallium-67 (Ga-67), 100 microcuries, and Germanium-68 (Ge-68), 10 microcuries, in Section 399.B, Schedule B, Exempt Quantities. Note Ge-69 is listed instead of Ge-68.</p> <p>Louisiana needs to make the above change to meet the Compatibility Category B designation assigned to 10 CFR 30.71.</p> <p><b>COMMENT RESOLVED</b></p>
11	LAC 33:XV 322.D.3.I  Located on Page 5 of RP058ft	31.5(c)(13)	2007-3	C	<p><b>Certain detecting, measuring, gauging, or controlling devices and/or an ionizing atmosphere.</b></p> <p>Louisiana omitted the decimal in "... (0.1 millicurie) of radium-226..."</p> <p>Louisiana needs to make the above change to meet the Compatibility Category C designation assigned to 10 CFR 31.5.</p> <p><b>COMMENT RESOLVED</b></p>

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12	LAC 33:XV 322.B  Located on Page 5 of RP058ft	31.12	2007-3	C	<p><b>General license for certain items and self-luminous products containing radium-226.</b></p> <p>In Section 322.B.3.b., Louisiana's regulations allow for disposal according to LAC33:XV.499, Appendix D. Section 499, Appendix B is the incorrect reference and should be changed to Section 465.F., Louisiana's regulation equivalent to 10 CFR 20.2008.</p> <p>Louisiana needs to make the above change to meet the Compatibility Category C designation assigned to 10 CFR 31.12.</p> <p><b>COMMENT RESOLVED</b></p>
13	LAC 33:XV 328.J  Located on Page 7 of RP058ft	32.72(a)(2)(i), (iii), (iv), (v), and (b)	2007-3	B	<p><b>Manufacture, preparation, or transfer for commercial distribution of radioactive drugs, containing byproduct material for medical use under Part 35.</b></p> <p>Louisiana needs to retain the word "and" in LAC 33:XV 328.J.2.d to clarify all conditions must be met.</p> <p>Louisiana needs to make the above changes to meet the Compatibility Category B designation assigned to 10 CFR 32.72.</p> <p><b>COMMENT RESOLVED</b></p>
14	LAC33:XV 102  Located on Page 1 of RP058ft	35.2	N/A	B	<p><b>Definition: Authorized nuclear pharmacist.</b></p> <p>Louisiana's definition of "authorized nuclear pharmacist" in Section 102 is not equivalent to NRC's definition of "authorized nuclear pharmacist" in 10 CFR 35.2 and the following changes are needed:</p>

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					<p>a) In item 2, Louisiana needs to delete, after the word "authorizes," "the use of radioactive material in" and add "the medical use or the".</p> <p>b) Louisiana needs to add the equivalent regulations to item (2)(ii), (2)(iv), and (3) in NRC's definition of authorized nuclear pharmacist in 10 CFR 35.2.</p> <p>c) In item 3, Louisiana needs to delete, after "broad scope" "authorized to permit the use of radioactive material in the" and add "medical use license that authorizes medical use or the".</p> <p>Louisiana needs to make the above changes to meet the Compatibility Category B designation assigned to 10 CFR 35.2 Definition: Authorized nuclear pharmacist.</p> <p><b>COMMENT RESOLVED</b></p>

**FROM NRC LETTER DATED JANUARY 29, 2015**

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	<p>LAC:XV:361. G.2.a</p> <p>Located on Page 55 of Title 33 Environmental Quality Part XV Radiation Protection (attached)</p>	32.210(g)	2012-4	B	<p><b>Registration of product information</b></p> <p>Louisiana incorrectly includes a reference to LAC 33:XV.Chapter 3 in LAC 33:XV.361.G.2.a.</p> <p>Louisiana needs to replace the reference to LAC 33:XV.Chapter 3 with a reference to LAC 33:XV.327, which correctly corresponds to NRC's reference to 10 CFR Part 33 contained in 32.210(g)(2)(i).</p> <p><b>COMMENT RESOLVED</b></p>

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					Louisiana needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 32.210(g).
2	LAC:XV:399 Schedule B  Located on Page 55 of Title 33 Environmental Quality Part XV Radiation Protection (attached)	30.71 Schedule B	2007-3	B	<p><b>Schedule B</b></p> <p>Louisiana needs to change the exempt quantity for Rubidium-81 (Rb81) from 100 <math>\mu</math>Ci to 10 <math>\mu</math>Ci in LAC:XV:399, Schedule B.</p> <p>Louisiana needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 30.71 Schedule B.</p> <p><b>COMMENT RESOLVED</b></p>



