UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
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ARLINGTON, TEXAS 76011-4005

April 24, 2007

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

Dear Mr. Goff:

A periodic meeting with Mississippi was held on April 3, 2007. The purpose of this meeting was to review and discuss the status of Mississippi's Agreement State Program. The NRC was represented by me, Leonard Wert, and Randy Erickson from NRC's Region IV office, and Shawn Smith from the Office of Federal and State Materials and Environmental Management Programs (FSME).

I have completed and enclosed a general meeting summary, including any specific actions resulting from the discussions.

If you feel that our conclusions do not accurately summarize the meeting discussion, or have any additional remarks about the meeting in general, please contact me at (817) 860-8116 or e-mail MLM1@NRC.GOV to discuss your concerns.

Sincerely,

/RA/

Linda McLean
Regional State Agreements Officer
Region IV

ENCLOSURE:

cc w/enclosure:
Janet Schlueter. Director

bcc: (via ADAMS e-mail distribution):
LWert
CCain
RErickson
AMcCraw, FSME
SSmith, FSME
Scott Moore, FSME

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ENCLOSURE
Mississippi Periodic Meeting Summary
April 3, 2007

ATTENDEES

State	NRC
Robert Goff, Director, Division of Radiological Health B. J. Smith, Director, Radioactive Materials Branch	Linda McLean, Regional State Agreements Officer (RSAO), RIV Leonard Wert, Director, Division of Nuclear Materials Safety, RIV Randy Erickson, RSAO, RIV Shawn Smith, Agreement State Project Officer, Office of Federal and State Materials and Environmental Management Programs, (FSME)

DISCUSSION:

The Mississippi Agreement State program is administered by the Division of Radiological Health (the Division) with the day-to-day operations and is managed by the Radioactive Materials Branch (the Branch). The Division also contains the X-Ray Branch and the Environmental, Emergency Response, Radioactive Waste, and Transportation Branch. The Division is part of the Office of Health Protection under the Mississippi Department of Health.

Status of State's actions to address all open previous IMPEP review findings and/or open recommendations:

Recommendation 1: The review team recommended that the State take additional actions, such as increasing salary and benefits, to stabilize staffing and ensure continued successful program implementation.

Current Status: The Division had one salary increase since the last review; however, however, the salaries have remained comparatively low to those in other neighboring States. Currently, the Division has one vacancy. The Division was unable to find a qualified applicant for the posted senior level position at the salary offered. The position was re-posted, but at a lower grade level. A second vacancy was filled from within the Department. The individual will begin training soon. Other vacancies exist within the Division (the X-ray Branch and the Environmental Branch have two and one vacancies respectively). With the exception of two supervisors and one senior health physicist, the health physicist staff has an average of 3.5 years experience.

The Division conducted a salary survey within the Department of Health and found that the senior health physicist position is lower than many others positions within the Department (e.g., food inspector). In addition, the Division conducted a salary survey of surrounding States and found that the salaries in Mississippi are below the average of the other States' radiation programs. With this information, the Division Director issued a memo to the Department on April 2, 2007, requesting a realignment of health physicists' salaries. The Director stated that a letter of support from the NRC may be helpful.

Recommendation 2: The review team recommended that the State ensure that individuals who make allegations are informed of the resolution of their concerns.

Current Status: The Division's allegation procedure was changed to ensure that individuals who make allegations are informed of the resolution of their concerns.

Recommendation 3 (for the NRC): The review team recommended that the NRC provide guidance to IMPEP teams as to how to document review findings for those States which have not adopted the general license (GL) rule.

Current Status: Determinations on Agreement State GL rules will be factored into the assessment of the compatibility findings during IMPEP reviews by either of the following: (I) if the rule is less restrictive, the State will be asked to address the areas that are less restrictive; or (ii) if the rule is more restrictive, the determination on compatibility will be held in abeyance until decisions on current GL-related petitions and requests are made. This information has been provided to States, via All Agreement States letter STP-06-076, and to IMPEP teams.

OTHER DISCUSSION TOPICS

Strengths and/or weaknesses of the State program as identified by the State or NRC including identification of actions that could diminish weaknesses:

Weaknesses: The Division has had a large staff turnover for many years. The high staff turnover was identified and discussed during the 2005 and the 2001 IMPEP Reviews. The Division Director indicated that the State has had one pay increase since the last IMPEP Review; however, the salaries have remained comparatively low to those in other neighboring States. The challenges the Division is facing in retaining and training the current staff are significant especially with the retirement of the Division Director in April. The Director stated that Increased salaries is needed to help stabilize staffing.

Strengths: The program is small; consequently, there is good communications between the staff. The staff does both licensing and inspections. All licensing actions receive peer review from other staff members before being reviewed by the Branch Director.

Feedback on NRC's program as identified by the State and including identification of any action that should be considered by NRC: The Division requested that the "Diagnostic and Therapeutic Nuclear Medicine Course (H-304)" and the "Brachytherapy, Gamma Knife and Emerging Technologies Course (H-313)" be offered more frequently.

Materials Inspection Program: The Division has no inspection backlog; however, this has been accomplished by the Branch Director conducting inspections to keep up, and the Division Director managing the regulation amendment updates.

Regulations and Legislative changes:

The Division will need to address the following regulation in upcoming rulemakings or by adopting alternate legally binding requirements:

- “Financial Assurance for Materials Licensees,” was due December 3, 2006.

The following final regulation has been submitted to the NRC by letter dated March 22, 2007.

- “Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material,” 10 CFR Parts 30, 31, 32 amendments (65 FR 79162) that became effective February 16, 2001.

Mississippi has had a general license registration program in effect since 1963. The rule contains the basic provisions of the NRC regulation, but is more restrictive and includes periodic inspections of general licenses. The Division Director indicated that Mississippi does not wish to adopt a less protective general license rule in order to meet the NRC regulation compatibility designation.

Program reorganizations: The Division Director is retiring at the end of April.

Changes in Program budget/funding: The Division had a fee increase (50%) for fiscal year 2007. The Division is partially fee supported (40%).

Event Reporting, including follow-up and closure information in NMED: All NMED reports were closed and complete.

Response to Incidents: The most event during this review period was Hurricane Katrina. The Division performed outstandingly during this event. All radioactive material sources were recovered. (The Division’s general license program was an asset in accomplishing the total recovery.)

Response to Allegations: No allegations were referred to the Division for action during this review period.

Schedule for the next IMPEP review: FY2009