



MISSISSIPPI STATE DEPARTMENT OF HEALTH

June 10, 2009

Mr. Aaron T. McCraw, IMPEP Project Manager
Division Materials Safety and State Agreements
Office of Federal and State Materials and
Environmental Management Programs
U.S. Nuclear Regulatory Commission
2443 Warrenville Road, Suite 210
Lisle, Illinois 60532-4352

Dear Mr. McCraw:

We received the NRC Draft Report dated May 20, 2009. The Draft Report outlines the findings of the Integrated Materials Performance Evaluation Program audit that was held in Mississippi on April 20-24, 2009. We will address the findings in the following letter.

1. *The review team recommends that the State take additional actions, such as increasing salary and benefits, to stabilize staffing and ensure continued successful program implementation. (Section 3.1 of the 2005 IMPEP Report)*

Based on the 2005 IMPEP recommendation, staff developed a regional salary survey for radiological health positions and requested realignment from the Mississippi State Personnel Board for the median of the salary survey results. Our request was denied by the State Personnel Board. Based on our exit conference from the recent IMPEP inspection, I have met with the State Health Officer, Executive Director of the Department and our Director of Human Resources on this recommendation and within the next 120 days we will update our regional salary survey for radiological health positions and resubmit our request for salary realignments through the Mississippi State Personnel Board. We plan to include with our updated request the facts that the Mississippi State Department of Health is the only agency with these position classifications and the fact that the radiological health program is not funded through general state funding. Based on these facts we are hopeful that our request will find favor.

2. *The review team recommends that the State update its existing procedures and develop new procedures, if necessary, to memorialize the policies and practices of the Agreement State program and to serve as a knowledge management tool. (Section 3.1)*

Our procedures for licensing, inspections, incidents, and data management will be updated using other Agreement State policy and procedure manuals as a guide. The Division of Radiological Health has requested and received copies of other Agreement States' procedures.

3. *The review team recommends that the State implement a reliable and comprehensive licensing and inspection database that serves as an effective planning, tracking and data management tool. (Section 3.1)*

We will soon be acquiring a data management database that will make our tracking of inspections and licensing actions more effective. For many years we have used an Access based tracking system that was old and unreliable. The new system will allow us to enter new data on each license without the removal of the stored data, tracking all inspections done, inspection notes, licensing actions, and license renewal information.

4. *The review team recommends that the State implement a process to ensure that violations are adequately documented, licensee corrective actions are reviewed for adequacy and documented, and sufficient follow-up of violations is performed and documented consistent with the safety of security significance. (Section 3.3)*

As we were made aware during the IMPEP review, the Division of Radiological Health will make sure that more documentation is made available to support violations, licensee corrective actions are reviewed for adequacy and documented, and sufficient follow-up of violations is performed and documented consistent with the safety of security significance. We believe that we did this at all times but now realize that we did not document all of this information for knowledge management. Since we are a small program, it has always seemed to be better to discuss all findings between staff members and we were not aware that we were not documenting this in the inspection reports. We will document phone conversations also.

5. *The review team recommends that the State develop and implement a procedure for the control of sensitive or security-related information that provides guidance to identify, mark, handle, and protect such information. (Section 3.3)*

We have moved all Increased Controls licensee files to a separate secured filing cabinet. All information submitted for these licensees will be protected. We will also use the NRC guidance document RIS 2005-31, Control of Security Related Sensitive Unclassified Non-Safeguards Information, to develop our own internal procedure to identify, mark, handle and protect this information.

On Page 13, the letter states that Mississippi became an Agreement State on July 1, 1963. The correct date should be July 1, 1962.

On June 1, 2009, we submitted the revised Regulations for Control of Radiation to NRC. Incorporated in the revised Regulations were the items addressed in the NRC letter dated January 26, 2009. The Regulations were adopted April 15, 2009, by the Board of Health.

We believe that adoption of these Regulations satisfies the compatibility and health and safety categories established in the Office of Federal and State Materials and Environmental Management Programs (FSME) Procedure SA-200.

If you have any questions, please feel free to contact me at (601) 576-7680 or B. J. Smith at 601-987-6893 (bjsmith@msdh.state.ms.us).

Sincerely,



Jim Craig, Director
Office of Health Protection