



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION IV
1600 E LAMAR BLVD
ARLINGTON, TX 76011-4511

May 14, 2015

Jim Craig, Director
Office of Health Protection
Mississippi State Department of Health
P.O. Box 1700
Jackson, MS 39215-1700

Dear Mr. Craig:

On April 22, 2015, staff from the U.S. Nuclear Regulatory Commission (NRC) held a periodic meeting with Mr. B.J. Smith, and members of his staff, at the Division of Radiological Health offices. The purpose of the meeting was to discuss the status of the Mississippi Agreement State Program. The NRC was represented by Lisa Dimmick from the NRC Office of Nuclear Material Safety and Safeguards, and me. I have enclosed the meeting summary, including any specific actions resulting from the discussions, for your review.

If you determine that our conclusions do not accurately summarize the meeting discussion, or you have additional remarks about the meeting, please contact me at 817-200-1116, or by email at Binesh.Tharakan@nrc.gov.

Sincerely,

/RA/

Binesh K. Tharakan, CHP
Regional State Agreements Officer

Enclosure:
Mississippi Periodic Meeting Summary

cc:
Mr. B.J. Smith, Director
Mississippi State Department of Health
Division of Radiological Health
3150 Lawson Street
PO Box 1700
Jackson, MS 39215-1700

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MISSISSIPPI PERIODIC MEETING SUMMARY

DATE OF MEETING: APRIL 22.2015

| NRC Attendees | Mississippi Attendees |
|---------------------------------------|---|
| Binesh Tharakan, RSAO, Region IV | B.J. Smith, Director, Radiological Health Division |
| Lisa Dimmick, IMPEP Coordinator, NMSS | Jayson Moak, Director, Radioactive Materials Branch |
| | Brielle Grantham, Health Physicist |
| | Jeff Algee, Health Physicist |
| | Robert Sims, Health Physicist |

DISCUSSION:

The Mississippi Agreement State Program (the Program) is administered by the Mississippi Division of Radiological Health (the Division). Within the Division, the Radioactive Materials Branch (the Branch) is responsible for regulating the activities of 310 specific licensees authorized to use radioactive materials.

The previous Integrated Material Performance Evaluation Program (IMPEP) review was conducted the week of April 15-19, 2013. At the conclusion of the 2013 IMPEP review, the team found Mississippi's performance to be satisfactory for all performance indicators reviewed and did not make any recommendations. The Program was found adequate to protect public health and safety and compatible with the NRC's program.

The review team recommended that the next IMPEP review take place in four years and that a Periodic Meeting take place in two years. Therefore, a Periodic Meeting was held on April 22, 2015.

The topics discussed at the meeting included:

Program Strengths:

The Program management and staff agreed that the small number of staff within the Division promotes one on one mentoring sessions, and facilitates positive discussions about licensing, inspection, and incident response activities. The staff expressed that the team was a cohesive unit and that supervisors were easily approachable and available to discuss regulatory issues and staff concerns. A new salary structure was put into place in 2012 which increased salaries by as much as 28 percent. The salary structure was developed to help alleviate the Program's inability to retain staff, which was partly due to the low salaries offered by the Program. Program management believes that the new salary structure has enhanced the Program's ability to retain staff. Also as a result of previous IMPEP reviews, the Program improved formal documentation about its policies and procedures and made them available to all staff members. Another program strength discussed was the state-of-the-art radiation monitoring equipment, laboratory facilities, and radiological response vehicles the Program has been able to procure over the years through various grants from the State and Federal government. In addition, the

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State of Mississippi emergency operations facility is a one-of-a-kind facility that is prepared to handle several different types of natural and man-made emergencies including radiological emergencies.

Program Weaknesses:

The radioactive materials program is funded 100 percent by the fees it charges to licensees. Operating costs and inflation has increased to the point that the Division has been operating with approximately a negative \$150,000 balance each year. The Division submitted a proposal to the State Legislature to increase fees to approximately 25 percent of the NRC fees; however, that bill did not make it out of committee in the State Legislature. The Division is planning to submit another proposal for the fiscal year 2017 budget. The Division also indicated that they consider their inability to issue civil penalties to be a weakness in their enforcement program. The Division can only pursue issues which are considered willful.

Feedback for NRC:

The Program indicated that they appreciated the good support provided by NRC Region IV staff and the communications between the two agencies. Especially, noteworthy was the improved Agreement State Travel and Training website and the more formal and structured nature of communications to Agreement States about upcoming training. The Division expressed an interest to participate on future IMPEP teams. Ms. Dimmick explained the process of becoming an IMPEP team member and upcoming training sessions.

Staffing and training:

The Mississippi Program is managed by the Division Director and a Radioactive Materials Branch Director. The Division is fully staffed with the Director and four technical staff for a total of five full-time equivalents (FTEs). Each technical staff person performs licensing and inspections of the State's 310 licensees with oversight from both the Division Director and the Branch Director. The Branch Director is also a fully qualified to license and inspect all license types within the State of Mississippi. Two staff members are qualified for all license types except for the pool irradiator in the State. A third staff member is qualified for all license types except for the irradiator and radiography licensees. The fourth staff member is a new hire that has been with the program for three months and is currently going through the training and qualification process. Since the 2013 IMPEP, two staff members left the Program and two were hired. One of the newly hired staff members was a former employee that was already qualified to perform licensing and inspections. The Division Director ensured this individual was appropriately recertified to perform licensing actions and inspections in the State. The Division Director stated that five FTEs were adequate to implement the program.

Program reorganizations:

The Program has not been subject to reorganization since the 2013 IMPEP review.

Changes in Program budget/funding:

As mentioned above, the Program is funded 100 percent by the fees it charges to licensees. Operating costs and inflation has increased to the point that the Program has been operating with approximately a negative \$100,000 balance each year. The Program continues to effectively implement the radioactive materials program and pay salaries and expenses, but expressed concern that the current trend could not be sustained long term without an increase in fees or alternate funding sources.

Materials Inspection Program:

The Division reported that there was one overdue inspection of a radiographer that maintains a license in Mississippi but has a main office in another state. They perform radiography at the nuclear power plant and come during plant outages. The Division does not have the opportunity to inspect this licensee at the required annual frequency because they are not allowed to travel out of state to perform an inspection.

Licensing Program:

Each member of the staff performs both inspections and licensing actions as assigned. The Program noted that licensing actions are tracked on a Microsoft Excel spreadsheet and that no backlogs exist.

Prior to the last IMPEP, the Division was in the process of adopting the distributed version of NRC's Web-Based licensing (WBL) system known as the Licensing Tracking System (LTS). However, since the agreement between the two agencies for the software was signed, the Program was unable to maintain the software due to a lack of IT support within the Department of Health. There have been several updates and the Program has not been able to keep up with the software revisions. Therefore, the Program continues to use a Microsoft Excel spreadsheet file to keep track of licensing actions and inspections.

The NRC staff discussed the possibility of the Program using the NRC hosted version of WBL. The Program was interested in this option and will pursue if it's technically feasible of adopting this system. The NRC staff agreed to contact the WBL project manager and provide the Program with additional information about how to pursue this option.

Sealed Source and Device Evaluation Program (SS&D):

The Program reported that the SS&D Program has been inactive since the time the Program became an Agreement State in 1962. The Program intends to return the SS&D Evaluation Program portion of the Agreement back to NRC. At the time of this meeting, the letter requesting that the NRC resume regulatory authority over the SS&D program was with the Governor's office for the Governor's signature.

Regulations and Legislative changes:

Currently, the Division is up to date on rule promulgation and they do not have any rules that are overdue. However, a recent change to the regulation numbering system that was mandated by the Secretary of State resulted in the Program having several incorrect references in regulations

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already submitted by the Program. Subsequent to the numbering change, NRC reviewed proposed regulations submitted by the Program in 2013 that resulted in over 50 comments due to the incorrect references. The Program is working to resolve the comments and resubmit the final rules for NRC review. These corrections have slowed down the rulemaking process within the Division. Although no rules are currently overdue, several rules need to be submitted for NRC review soon, most notably the implementation of 10 CFR 37 physical protection requirements due by March 2016. The Division stated it may pursue adding license conditions to meet the due date.

Event reporting, including follow-up and closure information in NMED.

Since the 2013 IMPEP, the Program reported 3 events to NMED. All of the events have been followed-up, reviewed and closed by the Program.

Response to incidents and allegations.

The Program continues to be sensitive to notifications of incidents and allegations. Incidents are quickly reviewed for their effect on public health and safety. Incidents are evaluated for safety significance and staff is dispatched to perform onsite investigations as indicated.

Status of allegations and concerns referred by the NRC for action.

The Program continues to process allegations as they are received. Since the 2013 Periodic Meeting, the NRC has referred two allegations to the Program. Each of the allegations received by the Program is being investigated and will be closed when completed. The Program continues to be sensitive to issues of identity protection regarding alleged.

Large, Complicated, or Unusual Authorizations for use of Radioactive Materials

The Division issued a license for a pool irradiator used to irradiate oysters to eliminate harmful bacteria from the oysters.

Current State Initiatives

For many years, the Division has been monitoring the Salmon site where two underground detonations took place on October 22, 1964, and December 3, 1966. These detonations were a part of DOE's project to develop seismic methods for detecting underground nuclear tests. The Salmon Site is a 1,470-acre tract of land located about 21 miles southwest of Hattiesburg, Mississippi. The tract is located over a geological formation known as the Tatum Salt Dome and is the location of the only nuclear weapons test detonations known to have been performed in the Eastern United States.

The Division completed radiological and chemical deposition analyses on trees above the Tatum Salt Dome area and determined that the trees did not contain any measurable tritium or radioactive materials above normal release levels.

State's Mechanisms to Evaluate Performance

The Division uses peer reviews of inspection reports and licensing actions to develop consistency and obtain a final quality check for each regulatory product. The final report or licensing action is issued by the Division Director. The Division Director stated that the Program plans to initiate self-audits in the future. Inspectors are accompanied by the Branch Director on an annual basis. In addition, the Division meets as needed to assess the program or to recommend any changes or improvements to the processes in the program. The Division noted that quality assurance is maintained by the staff working closely together to ensure that the program is successful. The Program also uses feedback sessions during annual performance appraisals to discuss performance of the staff.

Current NRC initiatives:

The following NRC initiatives were discussed with the Program:

- FSME – NMSS Merger including management changes
- Web-Based Licensing, National Source Tracking System, and the Integrated Source Management Portfolio
- Implementation of NRC's new materials license reviewer and inspector qualification program (IMC 1248)
- Rulemaking Initiatives and current status of potential changes to 10 CFR 20 and 35
- Updates on the NUREG 1556 series revisions
- IMPEP Performance Metrics and upcoming Management Directive changes
- Merger of the policy statements for Agreement States and the Agreement State Program Enhancement Initiatives

Schedule for the next IMPEP review:

NRC staff recommends that the next IMPEP review be held, as scheduled, in April 2017.