



MISSISSIPPI STATE DEPARTMENT OF HEALTH

July 11, 2017

Paul Michalak, Chief
Agreement State Programs Branch
Division of Material Safety, State, Tribal, and Rulemaking Programs
Office of Nuclear Material Safety and Safeguards

Dear Mr. Michalak:

Thank you for allowing us to respond to the Mississippi 2017 Draft IMPEP report. While different from the exit conference provided by your team, I understand that the review team's proposed recommendations are that the Mississippi program be found adequate to protect public health and safety, but needs improvement, and compatible with the NRC's program. Further, I understand that this change in the proposed recommendations could lead to our program being placed on "monitoring" status by NRC. As a NRC Agreement State for over 55 years without any blemishes on our record we find the status of "monitoring" unconscionable. We do agree with the original recommendations that there are areas that could be improved and as a quality driven organization we are always seeking ways to improve our services in protecting the health of Mississippians.

Understanding the importance of addressing the concerns that your IMPEP team identified, we immediately started developing quality processes to remedy the concerns. It is my hope that you will review these efforts and find that there is no need to blemish our record with a status indicating required "monitoring" of our program. However, please know that while I request that our status not be reported as "monitoring," we welcome comments and have no problem with your team or contractors returning to our program for further review and recommendations focused on improving our program as needed. Moreover, the following response should clarify the improvement needed and the actions we are taking to correct identified concerns.

The review team identified a licensing action in which an Authorized User (AU) was designated as a Radiation Safety Officer (RSO) on a medical license without the license reviewer obtaining a preceptor RSO attestation or documentation that the AU had training in the radiation safety, regulatory issues, and emergency procedures appropriate for the license. The department has always requested information such as the proper board certification, individual AU named on another Agency, NRC, or another agreement state license, and a copy of the preceptor where they did their training. Under the Accreditation Council of Graduate Medical Education (ACGME) requirements for Diagnostic Radiology, resident education in diagnostic radiology must include five (5) years of clinically oriented graduate medical education, for which four (4) years must be in diagnostic radiology. The requirements include at least 80 hours of didactic training under the direction of an AU. The training includes, but not limited to, radiation protection, topics in safe handling, administration, and quality control. The work experience includes performing radiation surveys, safely preparing patient dosages, safe handling of radioactive material, response to radiation spills and accidents, decontamination, and administrative controls to prevent medical events. All of this training is what is required of a RSO, and the four (4) years of required training for board certification is what we believed was adequate for documentation for a proposed RSO.

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The training is attested to by the program director. The same is true for the COCATS requirements for board certification for the Certification Board of Nuclear Cardiology.

We are in the process of obtaining the required information from our licensees and attached is a letter from one (1) medical facility.

There were three (3) licenses that were identified in the review that did not have the Part 37 license condition. It was our belief that it was not required due to the fact that the radioactive sources were not aggregated. The NRC considers radioactive material to be aggregated if someone could gain access to a category 2 or greater quantity by breaching a single physical barrier. Aggregated has the same meaning as collocated in the former Increased Controls guidance. The license condition was added to the licensees at the time of the IMPEP review so therefore it has already been corrected.

After the IMPEP review, it was very well understood that gauges with stuck shutters must be reported to NRC within 24 hours. In fact, we had an incident over the very next weekend that was sent to NRC within the required timeframe. This issue has already been corrected and procedures updated to include NRC's reporting requirements in its entirety.

We have discussed the best way to get our regulations up-to-date would be to contract someone to complete for us. We have completed the following RATS for adoption and will submit for the October State Board of Health meeting for adoption; 2011-2, 2012-1, 2012-2, and 2012-3. This will leave only RATS 2011-1, 2012-4, and 2013-2 to get us current. The contract will also get the remaining 2015-1 through 2015-5 current.

We are also in the process of updating our procedures. The procedures will be dated and revisions will be captured for clarity.

By implementing the corrections identified in this response expresses the willingness to justify our program being compatible with NRC's program. Mississippi has always had a good program and received good reviews from NRC. We have used NRC's recommendations to make us a better program and will continue to do so. We are asking you to not require "monitoring" to our program due to our response to the IMPEP review and the ability to remedy the situation. Mississippi has been an Agreement State since July 1, 1962, without any blemishes. We wish to remain that way and continue our great working environment. Your consideration is greatly appreciated.

Sincerely,



Jim Craig, Director
Office of Health Protection

Attachments: Letter to Medical Licensee – May 5, 1017
Letter from Methodist LeBonheur Healthcare – June 26, 2017



MISSISSIPPI STATE DEPARTMENT OF HEALTH

May 5, 2017

Dear Medical Licensee:

The Division of Radiological Health, Mississippi State Department of Health, was recently visited by the Nuclear Regulatory Commission (NRC) to review Mississippi's Radioactive Materials Program. During this review, it was noted that additional information is necessary for Mississippi to obtain, in regards to the listing of a medical Radiation Safety Officer. This information includes a written attestation and documentation of training for the individual being named Radiation Safety Officer. Rules 1.7.19(4) and (5) of the Mississippi State Board of Health Regulations for the Control of Radiation are referenced below:

- Rule 1.7.19 **Training for Radiation Safety Officer.** Except as provided in 1.7.22, the licensee shall require an individual fulfilling the responsibilities of the Radiation Safety Officer (RSO) as provided in 1.7.13 to be an individual who:
4. Has obtained written attestation, signed by a preceptor Radiation Safety Officer, that the individual has satisfactorily completed the requirements in 1.7.19(5) and in 1.7.19(1)(a)(i) and (ii) or 1.7.19(1)(b)(i) and (ii) or 1.7.19(2) or 1.7.19(3)(a) or (b), and has achieved a level of radiation safety knowledge sufficient to function independently as a Radiation Safety Officer for a medical use licensee; **and**
 5. Has training in the radiation safety, regulatory issues, and emergency procedures for the types of use for which a licensee seeks approval. This training requirement may be satisfied by completing training that is supervised by a Radiation Safety Officer, authorized medical physicist, authorized nuclear pharmacist, or authorized user, as appropriate, who is authorized for the type(s) of use for which the licensee is seeking approval.

SOURCE: Miss. Code Ann. §45-14-11

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Please submit this information within 30 days of receipt of this letter to:

Mississippi State Department of Health
Division of Radiological Health
3150 Lawson Street
Jackson, Mississippi 39213

Should you have any questions, please contact our Office at (601) 987-6893.

Sincerely,

A handwritten signature in blue ink, appearing to read "B.J. Smith". The signature is stylized and cursive.

B.J. Smith, Director
Division of Radiological Health



June 26, 2017

Mr. Jayson Moak
Health Physicist Administrative
Division of Radiological Health
Mississippi State Department of Health
570 East Woodrow Wilson, PO Box 1700
Jackson, Mississippi 38215-1700

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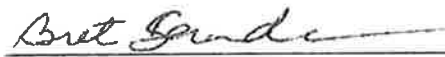
Dear Mr. Moak:

This letter is in response to your memorandum of May 5, 2017, requesting additional information regarding the RSO amendment request for Radioactive Materials License No. MS-1068-01. We hereby attest that Harold Galbraith meets the RSO requirements in Rule 1.7.19 (4 and 5) and has a level of knowledge sufficient to function independently as a Radiation Safety Officer for this license.

In addition we are attaching a copy of Mr. Galbraith's Board Certification, curriculum vitae, and training in radiation safety.

If you need additional information, please contact Bret Sanders at (901) 516-8582.

Sincerely,


Bret Sanders
Director, Quality & System Regulatory


William J. Maguire
Radiation Safety Officer (Retired)

slh