

POLICY ISSUE
NOTATION VOTE

RESPONSE SHEET

TO: Brooke P. Clark, Secretary

FROM: Commissioner Baran

SUBJECT: SECY-22-0081: Management Review Board
Recommendation for Probation of the Mississippi
Agreement State Program

Approved Disapproved Abstain Not Participating

COMMENTS: Below Attached None

NRC periodically evaluates Agreement State programs using established performance indicators through the Integrated Materials Performance Evaluation Program (IMPEP). Mississippi's 2022 IMPEP review identified an overall decline in the performance of its program with "unsatisfactory" results for four of the six performance indicators. According to the NRC staff, the "review team identified significant deficiencies across the Mississippi Program that, if left uncorrected, could have the potential to adversely impact public health and safety." The Chair of the Management Review Board therefore recommends that Mississippi's Agreement State program be placed on probation. Based on the detailed review by the IMPEP team, I agree with this recommendation. I also approve the letter to the Governor, subject to the attached edits.

I am optimistic that Mississippi's program is already showing signs of progress. The program's new management team has expressed a strong commitment to improving Mississippi's program. Several Agreement States, as well as the Organization of Agreement States, have offered to assist Mississippi with its efforts to strengthen its program. And last month, NRC approved Mississippi's Program Improvement Plan. I support the NRC staff's collaborative approach to assisting our state partner and meeting Mississippi's training needs.

Entered in STAR

Yes
No

Signature

9/15/22

Date



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

date

CHAIRMAN
JMB edits

The Honorable Tate Reeves
Office of the Governor of Mississippi
550 High Street, Suite 1900
Post Office Box 139
Jackson, MS 39205

Dear Governor Reeves:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am writing to bring your attention to significant concerns that were identified during a recent evaluation of the Mississippi Agreement State Program. [This program is responsible for](#) ~~in~~ overseeing the safe and secure use of radioactive material in the State of Mississippi. These concerns were initially shared with your office in a letter dated March 21, 2022, (Agencywide Documents Access and Management System Accession No. [ML22077A097](#)). I am requesting your support for the ~~P~~program's efforts to address these concerns.

On July 1, 1962, the State of Mississippi entered into an Agreement with the NRC pursuant to section 274b of the Atomic Energy Act of 1954, as amended. Under this Agreement, the State of Mississippi committed to establish a radiation control program that is adequate to protect the health and safety of Mississippi citizens from the potential hazards associated with the use of radioactive materials and is compatible with the NRC's regulatory program. The NRC retains the authority and responsibility for ensuring that Agreement State programs continue to provide adequate protection of public health and safety, and that they are compatible with the NRC's program for regulating radioactive materials.

The most recent [Integrated Materials Performance Evaluation Program](#) review of the Mississippi Agreement State Program found program weaknesses related to the adequacy and compatibility of your Agreement State Program ([ML22178A114](#)). The identified weaknesses were of such safety significance that assurance of the Mississippi Agreement State Program's ability to protect public health and safety was degraded and increased oversight by the NRC is required ~~to confirm program improvements~~. [Based on the results of the review,](#) ~~t~~The Commission has ~~further~~ determined that while making the necessary corrections, the Mississippi Agreement State Program would benefit from increased NRC oversight. The Commission is, therefore, placing the Mississippi Agreement State Program on ~~p~~Probation. Staff from the Mississippi radiation control program have been involved in the discussions leading to this decision.

Because the NRC did not identify an immediate threat to public health and safety, ~~p~~Probation allows the NRC to remain closely involved with the Mississippi Program as it implements corrective actions and improves performance. Probation only involves the 274b Agreement between the NRC and the State of Mississippi involving the use of radioactive materials by medical, industrial, and academic facilities. It is not expected that our decision ~~for~~

~~Probation~~ would impact other State responsibilities pertaining to emergency preparedness at commercial nuclear power plants or the construction and operation of nuclear power plants.

On August 10, 2022, the Mississippi Agreement State Program ~~sent the NRC submitted~~ a Program Improvement Plan ~~to the NRC~~ describing specific corrective actions to be taken to address the identified weaknesses ([ML22237A185](#)). This Program Improvement Plan identifies specific and measurable corrective actions and timetables for completing these actions. On August 16, 2022, the NRC issued a letter approving the [State's plan Program Improvement Plan \(ML22201A519\)](#). ~~In addition to implementing a Program Improvement Plan, the Mississippi Program will be required to submit written progress updates and conduct monthly conference calls with NRC.~~

~~The NRC is committed to working with your staff throughout the probationary period to improve Program performance. Monthly meetings between the NRC and Mississippi Agreement State Program will track the status of corrective actions identified in the Program Improvement Plan. In addition, several Agreement States and the Organization of Agreement States have offered to assist the Mississippi Program's performance enhancement activities. In addition to implementing a Program Improvement Plan, the Mississippi Program will be required to submit written progress updates and conduct monthly conference calls with NRC.~~

Commented [BJ1]: New paragraph

The NRC will issue a Press Release and ~~a notice in the~~ [Federal Register](#) regarding the decision to place the Mississippi Agreement State Program on ~~p~~Probation and will inform Members of Mississippi's Congressional delegations and NRC's Congressional oversight committees.

Commented [BJ2]: Italics

~~The NRC will also evaluate~~ ~~the~~ State's progress in addressing the program weaknesses ~~will also be evaluated~~ in a formal review in February 2023. Depending on the progress of the Mississippi Agreement State Program in meeting the commitments in the Program Improvement Plan and demonstration of significant improvements in program performance, the [MRB-Management Review Board](#) Chair will make a recommendation to the Commission on the probationary status.

Let me assure you that the Commission is ready to assist the State of Mississippi in improving the Agreement State Program. If you have any questions please contact John W. Lubinski, Director, Office of Nuclear Material Safety and Safeguards of my staff, at John.Lubinski@NRC.gov or 301-415-0595.

Sincerely,

Christopher T. Hanson

SUBJECT: LETTER TO THE MISSISSIPPI GOVERNOR REGARDING 2022 INTEGRATED
MATERIALS PERFORMANCE EVALUATION PROGRAM REVIEW
DATED AUGUST XX, 2022

This correspondence formulates policy or expands, revises, or interprets policy involves matters pending Commission decision, contains items relating to the performance of Commission duties and responsibilities, or involves items of high Commission interest.

DISTRIBUTION:

Public
CHaney, OEDO
RLewis, NMSS
TClark, NMSS/MSST
RidsEdoMailCenter Resource
RidsSecyMailCenter Resource
RidsOgcMailCenter

ADAMS Accession Number: ML22188A003

OFFICE	NMSS/MSST	NMSS/MSST	NMSS/MSST	NMSS/MSST	OGC
NAME	SPoy	RJohnson	BAnderson	KWilliams	BHarris
DATE	07/11/2022	07/12/ 2022	07/18/2022	07/25/2022	07/29/2022
OFFICE	Tech Editor	NMSS	EDO	OCM	
NAME	BKriss	JLubinski	DDorman	CHanson	
DATE	08/03/2022	08/XX/2022	08/XX/2022	08/XX/2022	

OFFICIAL RECORD COPY