

**POLICY ISSUE**  
**NOTATION VOTE**

**RESPONSE SHEET**

**TO:** Brooke P. Clark, Secretary  
**FROM:** Commissioner Crowell  
**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

Approved, subject to the attached edit.

**Entered in STAR**

Yes

No

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date 09/19/22



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

CHAIRMAN

date

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 identified during a recent evaluation of the Mississippi Agreement State Program, administered by the Mississippi Department of Health 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 Program's efforts to address these concerns.

Deleted: that were

Commented [CB1]: Most governor's offices will not readily know which state agency administers the NRC Agreement State Program. I would also recommend cc'ing the MS State Health Director on this letter.

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 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. 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 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, 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 a Program Improvement Plan 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 Program Improvement Plan ([ML22201A519](#)). 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.

The NRC will issue a Press Release and Federal Register regarding the decision to place the Mississippi Agreement State Program on probation and will inform Members of Mississippi's Congressional delegations and NRC's Congressional oversight committees.

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 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](mailto: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.**

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