



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511

July 11, 2024

Ronald Rogers, Director
Division of Radiological Health
Mississippi State Department of Health
310 Airport Road
Pearl, MS 39208

SUBJECT: FINAL MISSISSIPPI PERIODIC MEETING SUMMARY

Dear Ron Rogers:

A periodic meeting was held with you and your staff on April 24, 2024, at your office in Pearl, Mississippi. The purpose of this meeting was to review and discuss the status of the Mississippi Agreement State Program. The scope of the meeting was limited to activities conducted by the Division of Radiological Health. The U.S. Nuclear Regulatory Commission (NRC) was represented by Tamara Bloomer, Director, Division of Radiological Safety and Security, and me.

The NRC holds Special Management Review Board (MRB) Meetings to brief the MRB on the results of periodic meetings for Programs on Enhanced Oversight. On June 20, 2024, the Special MRB met to consider the results of the April 24, 2024, periodic meeting. The enclosed final periodic meeting summary documents the results of the periodic meeting. The MRB Chair recognized Mississippi's efforts to improve Program performance since the 2022 and 2023 IMPEP reviews and determined that the next IMPEP review be conducted in the Spring of 2025, as scheduled. The MRB Chair also agreed with a staff recommendation to adjust the heightened oversight call frequency from bi-monthly calls to quarterly calls, based on Mississippi's improved performance and their efforts to substantially complete corrective actions outlined in their Program Improvement Plan, noted during the MRB.

I appreciate the courtesy and cooperation extended during the periodic meeting. I also wish to acknowledge your continued support for the Agreement State program. I look forward to our agencies continuing to work cooperatively in the future. If you have any questions about the periodic meeting, please contact me at 817-200-1132, or by email at Jackie.Cook@nrc.gov.

Sincerely,

A handwritten signature in cursive script that reads "Jacqueline D. Cook".

Signed by Cook, Jacqueline
on 07/11/24

Jacqueline D. Cook
Regional State Agreements Officer
Division of Radiological Safety and Security

Enclosure: Mississippi Periodic Meeting
Summary



INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM
FINAL PERIODIC MEETING SUMMARY WITH THE STATE OF MISSISSIPPI
TYPE OF OVERSIGHT: HEIGHTENED OVERSIGHT

April 24, 2024

Enclosure

SPECIAL MRB PERIODIC MEETING PARTICIPANTS

NRC

- Tamara Bloomer: Director, Division of Radiological Safety and Security, Region IV
- Jacqueline Cook: Regional State Agreements Officer, Division of Radiological Safety and Security, Region IV

State of Mississippi

- Ron Rogers: Director, Radiological Health
- Jeff Algee: Health Physicist Team Lead, Radioactive Material Division
- Julia McRoberts: Licensing Team Lead, Radioactive Material Division
- Emely Riley: Licensing, Radioactive Material Division
- Lisa Gavathas: Health Physicist, Radioactive Material Division

1.0 INTRODUCTION

The last IMPEP review was February 27-March 3, 2023, with the Management Review Board (MRB) being held on June 29, 2023. The team recommended and the MRB agreed that 9 of the 10 recommendations from the 2022 IMPEP review be closed. Mississippi's performance was found to be satisfactory for the following four performance indicators: Status of Materials Inspection Program; Technical Quality of Inspections; Technical Quality of Incident and Allegation Activities; and Legislation, Regulations, and Other Program Elements. The team found Mississippi's performance to be satisfactory but needs improvement for the following two performance indicators: Technical Staffing and Training and Technical Quality of Licensing Actions. The team proposed and the MRB Chair agreed to open one new recommendation for improved program performance related to staff receiving training on recently revised programmatic operating procedures. The MRB directed that the next periodic meeting take place in approximately 1 year with the next full IMPEP review taking place in approximately 2 years.

2.0 COMMON PERFORMANCE INDICATORS

Five common performance indicators are used to review the U.S. Nuclear Regulatory Commission (NRC) Office and Agreement State radiation control programs during a periodic meeting. These indicators are: (1) Technical Staffing and Training, (2) Status of Materials Inspection Program, (3) Technical Quality of Inspections, (4) Technical Quality of Licensing Actions, and (5) Technical Quality of Incident and Allegation Activities.

2.1 Technical Staffing and Training (2023 Satisfactory but Needs Improvement)

The program consists of three inspectors including the division health physicist team lead and four license reviewers with one full-time license reviewer and 2 part-time license reviewers. An additional part-time license reviewer is being trained. At the time of the periodic review, there were two vacancies which are new positions. They have been vacant for 2 years because funding was not available. Now funding is available. Mississippi recently hired one new staff member.

Mississippi has adequate staff for their materials program.

Mississippi has a training program equivalent to NRC Inspection Manual Chapter 1248. Refresher training is being documented using a spreadsheet.

Recommendation: Mississippi provide training to its staff on all programmatic procedures revised since the 2022 IMPEP review.

This is an ongoing initiative. Inspections, licensing, incidents and allegations are discussion topics at Mississippi's town hall meeting held annually. Additionally, Mississippi is developing a database to track training qualifications.

The Governor of Mississippi, Governor Tate, signed into law on April 21, 2024, an increase in fees. Mississippi is allowed to increase fees by up to 25 percent twice over a 4-year period (increase of 25 percent across the materials program for FY2025 and a second increase of 25 percent for FY2026 after evaluating the impact on their licensees by modality before any future fees increase). Mississippi was able to keep the incorporation by reference of NRC 10 CFR Part 171 to have more flexibility to increase fees in the future.

Mississippi has developed a Memorandum of Agreement with Alcorn State University, a Historically Black College or University, to foster the relationship with the university and identify candidates for future staff and summer intern positions.

2.2 Status of the Materials Inspection Program (2023 Satisfactory)

Sixty priority 1, 2, and 3 inspections were performed since the 2023 IMPEP review. Four initial inspections were completed since the last IMPEP review. All inspections were completed on time. There were 13 reciprocity inspections completed in 2023; so far 4 reciprocity inspections have been completed for 2024. Mississippi's inspection frequencies are in accordance with Manual Chapter 2800. Mississippi is also developing a database to extract needed inspection, licensing, and incident/event information.

2.3 Technical Quality of Inspections (2023 Satisfactory)

All inspector accompaniments were performed in 2023 and 2024. In addition, when the division health physicist team lead conducted inspections, the Director performed those accompaniments.

The management review process includes the inspector crafting the letter and report (either no items of non-compliance or items of non-compliance), which is reviewed by the division health physicist team lead; the letter and report are issued within 30 days after the exit; if applicable, a response from the licensee is received and an acknowledgement letter of the received response is sent to the licensee.

Although Mississippi has 3 broad scope licensees, there were no significant or challenging inspection activities.

2.4 Technical Quality of Licensing Actions (2023 Satisfactory but Needs Improvement)

The Division of Radiologic Health has approximately 220 specific licensees. Mississippi completed 204 licensing actions since the 2023 IMPEP which included news, amendments, renewal entireties, and terminations.

Recommendation: Mississippi performs an extent of condition review of all medical licenses issued since April 28, 2017, to ensure that all radiation safety officer, authorized users, authorized nuclear pharmacists, and authorized medical physicists are appropriately qualified in accordance with applicable licensing guidance.

Mississippi has completed this recommendation and submitted to us seven individuals identified; Mississippi amended the licenses accordingly to delete these individuals for which they had no adequate documentation of their training and experience. Mississippi's efforts to address this recommendation will be reviewed during the next IMPEP review and dispositioned, as appropriate.

Mississippi performs 100 percent peer audits on their licensing actions.

2.5 Technical Quality of Incident and Allegation Activities (2023 Satisfactory)

There were two allegations referred to Mississippi from the NRC. However, one was an x-ray concern not involving radioactive materials. The one allegation involving radioactive materials has been closed. There was one reportable event since the last IMPEP review.

3.0 NON-COMMON PERFORMANCE INDICATORS

Four non-common performance indicators are used to review Agreement State/NRC Region programs: (1) Legislation, Regulations, and Other Program Elements (formerly Compatibility Requirements), (2) Sealed Source and Device (SS&D) Evaluation Program, (3) Low-Level Radioactive Waste (LLRW) Disposal Program, and (4) Uranium Recovery (UR) Program. Because NRC retained authority for SS&D Evaluation Program, LLRW Disposal Program, and UR Program, only the non-common performance indicator Legislation, Regulations, and Other Program Elements (formerly Compatibility Requirements) was discussed.

3.1 Legislation, Regulations, and Other Program Elements (formerly Compatibility Requirements) (2023 Satisfactory)

Three regulation amendments were due since the last IMPEP review.

At the time of the periodic meeting, the following three amendments were overdue:

- “Individual Monitoring Devices,” 10 CFR Parts 34, 36, and 39, that was due for Agreement State adoption on June 16, 2023 (time overdue: 10 months).
- “Social Security Number Fraud,” 10 CFR Parts 9 and 35, that was due for Agreement State adoption on August 17, 2023 (time overdue: 8 months).
- “Miscellaneous Corrections,” 10 CFR Parts 1, 2, 19, 20, 21, 30, 34, 35, 40, 50, 51, 52, 60, 61, 62, 63, 70, 71, 72, 73, 74, 75, 76, 110, and 140, that was due for Agreement State adoption on November 16, 2023 (time overdue: 5 months).

One of the overdue regulation amendments was minor in nature (i.e., Miscellaneous Corrections) and did not impact the health and safety of Mississippi licensees. Although not considered minor in nature, the regulation amendments “Individual Monitoring Devices” and “Social Security Number Fraud,” did not impact the health and safety of Mississippi licensees since the last IMPEP review.

4.0 SUMMARY

Based on the results of the periodic meeting, staff found that Mississippi continued to improve Program performance since the 2022 and 2023 IMPEP reviews. Staff also found that Mississippi continues to be an effective and well managed Agreement State Program. The Program appears to be managing its licensing and inspection activities effectively and responding to incidents and allegations in an effective manner. Based on Mississippi’s improved performance since the 2022 and 2023 IMPEP reviews, the NRC staff recommended that the next IMPEP review be conducted in March 2025, as scheduled. Staff also recommended that the monthly heightened oversight call frequency be adjusted from bi-monthly calls to quarterly calls.

On June 20, 2024, the Special MRB met to consider the results of the April 24, 2024, periodic meeting. The MRB Chair recognized Mississippi's efforts to improve Program performance since the 2022 and 2023 IMPEP reviews and determined that the next IMPEP review be conducted in the Spring of 2025, as scheduled. The MRB Chair also agreed with a staff recommendation to adjust the monthly heightened oversight call frequency from bi-monthly calls to quarterly calls, based on Mississippi's improved performance and the efforts to substantially complete corrective actions outlined in their Program Improvement Plan, noted during the MRB.

FINAL MISSISSIPPI PERIODIC MEETING SUMMARY DATE July 11, 2024

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