



UNITED STATES
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SUBJECT: MISSISSIPPI FINAL IMPEP REPORT

Dear Dr. Daniel Edney:

On July 17, 2025, the Management Review Board (MRB) met, which consisted of the U.S. Nuclear Regulatory Commission (NRC) senior managers and an Organization of Agreement States Liaison to the MRB, to consider the proposed final Integrated Materials Performance Evaluation Program (IMPEP) report on the Mississippi Agreement State Program. The MRB Chair found the Mississippi program adequate to protect public health and safety, and compatible with the NRC program.

The enclosed final report documents the IMPEP team's findings and summarizes the results of the MRB meeting. Based on the results of the IMPEP review, the MRB Chair determined that Mississippi be removed from heightened oversight and returned to routine oversight. In addition, the MRB Chair determined that the next periodic meeting will take place in approximately 2 years with the next IMPEP review of the Mississippi Agreement State Program taking place in approximately 4 years.

I appreciate the courtesy and cooperation extended to the IMPEP team during the review. I also wish to acknowledge Mississippi's improved performance since the 2023 IMPEP review and your continued support for the Agreement State program. I look forward to our agencies continuing to work cooperatively in the future.

Sincerely,


Signature: A.L.K.

Signed by Kock, Andrea
on 08/08/25

Andrea L. Kock, Acting Director
Office of Nuclear Material Safety
and Safeguards

Enclosures:

1. Mississippi Final IMPEP Report
2. 2025 Mississippi MRB Meeting Participants

D. Edney

-2-

cc: Laura Goodson, Assistant Senior Deputy
Office of the State Health Officer

Ronald Rogers, Director
Division of Radiological Health



INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM
REVIEW OF THE MISSISSIPPI AGREEMENT STATE PROGRAM

March 31 – April 3, 2025

FINAL REPORT

EXECUTIVE SUMMARY

The results of the Integrated Materials Performance Evaluation Program (IMPEP) review of the Mississippi Agreement State Program (Mississippi) are discussed in this report. The review was conducted by the IMPEP team on March 31 – April 3, 2025. Inspector accompaniments were conducted during the week of February 24, 2025.

The team found Mississippi's performance to be satisfactory for the following five performance indicators: Technical Staffing and Training; Status of Materials Inspection Program; Technical Quality of Inspections; Technical Quality of Licensing Actions; and Technical Quality of Incident and Allegation Activities; The team also found Mississippi's performance to be satisfactory but needs improvement for the following performance indicator: Legislation, Regulations, and Other Program Elements.

The Management Review Board (MRB) Chair agreed with the team's recommendation to close the two 2023 IMPEP review recommendations.

Accordingly, the MRB Chair found the Mississippi radiation control program's performance adequate to protect public health and safety and compatible with the NRC's program. The MRB Chair also determined that a periodic meeting will take place in approximately 2 years with the next IMPEP review taking place in approximately 4 years.

The team also considered whether Mississippi should be moved to a period of monitoring or completely removed from enhanced oversight. Guidance in State Agreements procedure (SA) [SA-122](#), "Enhanced Oversight," allows monitoring to be considered for Programs being removed from heightened oversight. The team recommended as an outcome of the review of the Mississippi program for this period, the program no longer warranted monitoring, specifically: (1) the team recommended all common performance indicators be rated satisfactory and the non-common performance indicator be satisfactory but needs improvement, (2) program performance has improved over this review period, and (3) all recommendations have been successfully implemented. Based on the team's findings and Mississippi's sustained improved performance, and the criteria in the NRC Management Directive 5.6, "Integrated Materials Performance Evaluation Program (IMPEP)," and SA-122, the MRB Chair determined that Mississippi be removed from heightened oversight and returned to routine oversight.

1.0 INTRODUCTION

The Mississippi Agreement State Program (Mississippi) Integrated Materials Performance Evaluation Program (IMPEP) review was conducted on March 31 – April 3, 2025, by a team of technical staff members from the U.S. Nuclear Regulatory Commission (NRC) and the States of North Carolina and Tennessee. Team members are identified in Appendix A. Inspector accompaniments were conducted on February 25–26, 2025, and are identified in Appendix B. The review was conducted in accordance with the “Agreement State Program Policy Statement,” published in the *Federal Register* on October 18, 2017 (82 FR 48535), and the NRC Management Directive (MD) 5.6, “Integrated Materials Performance Evaluation Program (IMPEP),” dated July 24, 2019. Preliminary results of the review, which covered the period of March 4, 2023 – April 3, 2025, were discussed with Mississippi managers on the last day of the review.

In preparation for the review, a questionnaire addressing the common performance indicators and applicable non-common performance indicators was sent to Mississippi on January 13, 2025. Mississippi provided its response to the questionnaire on March 7, 2025. A copy of the questionnaire response is available in the NRC’s Agencywide Documents Access and Management System Accession No. [ML25084A184](#).

The team issued a draft IMPEP report to Mississippi on May 12, 2025, for factual comment in [ML25115A168](#). Mississippi responded with no comments on the draft IMPEP report by email dated May 30, 2025, from Ron Rogers, Director, Division of Radiological Health, in the Mississippi State Department of Health in [ML25156A064](#).

The Mississippi Agreement State Program is administered by the Radiation Control Program within the Division of Radiological Health. The Division of Radiological Health is within the Division of Health Protection which is a part of the Mississippi State Department of Health. An organization chart for Mississippi is available in [ML25084A198](#).

At the time of the review, Mississippi regulated 222 specific licenses authorizing possession and use of radioactive materials. The review focused on the radiation control program as it is carried out under Section 274b. (of the Atomic Energy Act of 1954, as amended) Agreement between the NRC and the State of Mississippi.

The team evaluated the information gathered against the established criteria for each common and applicable performance indicator and made a preliminary assessment of the State of Mississippi’s performance.

2.0 PREVIOUS IMPEP REVIEW AND STATUS OF RECOMMENDATIONS

The previous IMPEP review concluded on March 3, 2023. The final report is available in [ML23188A186A](#). The results of this review and the status of the associated recommendations are as follows:

Technical Staffing and Training: Satisfactory but Needs Improvement

Recommendation: The 2023 IMPEP review team recommended that Mississippi provide training to its staff on all programmatic procedures revised since the 2022 IMPEP review.

Status: The 2025 IMPEP review team noted that Mississippi had provided the training twice a year during their “Town Hall Meetings” with all staff. The team recommended that this recommendation be closed.

Status of Materials Inspection Program: Satisfactory

Technical Quality of Inspections: Satisfactory

Technical Quality of Licensing Actions: Satisfactory but Needs Improvement

Recommendation: The 2023 IMPEP review team recommended keeping the recommendation open from the 2022 IMPEP review. They recommended that Mississippi perform an extent of condition review of all medical licenses issued since April 28, 2017, to ensure that all Radiation Safety Officers (RSO), Authorized Users (AU), authorized nuclear pharmacists, and authorized medical physicists are appropriately qualified in accordance with applicable licensing guidance.

Status: The 2025 IMPEP review team determined that Mississippi had completed the requirements of the recommendation and submitted their results to the NRC shortly after 2023 IMPEP review. Mississippi subsequently amended all affected licenses. The team recommended this recommendation be closed.

Technical Quality of Incident and Allegation Activities: Satisfactory

Legislation, Regulations, and Other Program Elements: Satisfactory

Overall finding: Based on the results of the 2023 IMPEP review, the Management Review Board (MRB) Chair found Mississippi to be adequate to protect public health and safety but needs improvement and compatibility with the NRC's program. As a result of the 2023 IMPEP review, the Commission agreed with the MRB Chair recommended to remove Mississippi from Probation and place the Program on a period of Heightened Oversight. The MRB Chair further directed that a periodic meeting be held within 1 year and that a follow-up IMPEP review take place approximately 1 year following the periodic meeting.

3.0 COMMON PERFORMANCE INDICATORS

Five common performance indicators are used to review the NRC and Agreement State radiation control programs. 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.

3.1 Technical Staffing and Training

The ability to conduct effective licensing and inspection programs is largely dependent on having experienced, knowledgeable, well-trained technical personnel. Under certain conditions, staff turnover could have an adverse effect on the implementation of these programs and could affect public health and safety. Apparent trends in staffing must be assessed. Review of staffing also requires consideration and evaluation of the levels of training and qualification. The evaluation standard measures the overall quality of training available to, and taken by, materials program personnel.

a. Scope

The team used the guidance in State Agreements procedure (SA) [SA-103](#), “Reviewing the Common Performance Indicator: Technical Staffing and Training,” and evaluated Mississippi’s performance with respect to the following performance indicator objectives:

- A well-conceived and balanced staffing strategy has been implemented throughout the review period.
- Any vacancies, especially senior-level positions, are filled in a timely manner.
- There is a balance in staffing of the licensing and inspection programs.
- Management is committed to training and staff qualification.
- Agreement State training and qualification program is equivalent to NRC Inspection Manual Chapter (IMC) [IMC 1248](#), “Formal Qualifications Program for Federal and State Material and Environmental Management Programs.
- Qualification criteria for new technical staff are established and are followed, or qualification criteria will be established if new staff members are hired.
- Individuals performing materials licensing and inspection activities are adequately qualified and trained to perform their duties.
- License reviewers and inspectors are trained and qualified in a reasonable period.

b. Discussion

Mississippi is comprised of a Radiation Control Program Director (RCPD), a Radioactive Materials Team Lead (Team Lead), four inspectors and four licensing reviewers. One staff member left the program during the IMPEP review period and there were no vacancies at the time of the review. Mississippi proactively over hired staff during the review period to alleviate future staffing issues. Work performed by the Team Lead and the technical staff comprise a total of 8.5 full-time equivalent for the radiation control program. All the license reviewers were fully qualified. The Team Lead was a fully qualified inspector and license reviewer. The four staff-level inspectors are going through the qualification process and were at different phases of qualification at the time of the review. One of the four inspectors was fully qualified, one had partial qualifications, and two were beginning the qualification process.

Mississippi has a training and qualification program compatible with IMC 1248. The team verified that the inspectors and license reviewers who were considered qualified at the start of the IMPEP review period have completed at least 24 hours of refresher training every 2 years. This training consisted of attendance at meetings such as the National Materials Program monthly meetings, government to government meetings, conferences, training courses, and monthly staff meetings. The team found that Mississippi fully addressed the recommendation that Mississippi provide training to its staff on all programmatic procedures revised since 2022.

To assess Mississippi’s work related to this recommendation, the team reviewed the training and qualification journals for the Team Lead and all technical staff. The team confirmed that qualification journals were completed as appropriate and that technical staff going through the qualification process updated their journal when an activity was completed. This included receiving training on programmatic procedures that were in place at the time of each staff member’s qualification. The semi-annual “Town Hall Staff meetings” were

documented in the qualification journals. Therefore, the team is proposing that this recommendation be closed.

c. Evaluation

The team determined that, during the review period, Mississippi met the performance indicator objectives listed in Section 3.1.a. The 2025 IMPEP review team also found that Mississippi had completed formal staff training on revisions to all operating procedures during semi-annual “Town Hall staff meetings.” Therefore, the team recommends that this recommendation be closed.

Based on the criteria in MD 5.6, the team recommends that Mississippi’s performance with respect to the indicator, Technical Staffing and Training, be found satisfactory.

d. MRB Discussion and Chair’s Determination

The MRB Chair agreed with the team’s recommendation and found Mississippi’s performance with respect to this indicator satisfactory. The MRB Chair also agreed with the team’s recommendation to close the recommendation associated with this performance indicator.

3.2 Status of Materials Inspection Program

Inspections of licensed operations are essential to ensure that activities are being conducted in compliance with regulatory requirements and consistent with good safety and security practices. The frequency of inspections is specified in [IMC 2800](#), “Materials Inspection Program,” and is dependent on the amount and type of radioactive material, the type of operation licensed, and the results of previous inspections. There must be a capability for maintaining and retrieving statistical data on the status of the inspection program.

a. Scope

The team used the guidance in [SA-101](#), “Reviewing the Common Performance Indicator: Status of the Materials Inspection Program,” and evaluated Mississippi’s performance with respect to the following performance indicator objectives:

- Initial inspections and inspections of Priority 1, 2, and 3 licensees are performed at the prescribed frequencies (<https://www.nrc.gov/materials/miau/mat-toolkits.html>).
- Deviations from inspection schedules are normally coordinated between technical staff and management.
- There is a plan to perform any overdue inspections and reschedule any missed or deferred inspections or a basis has been established for not performing any overdue inspections or rescheduling any missed or deferred inspections.
- Candidate licensees working under reciprocity are inspected in accordance with the criteria prescribed in IMC 2800 and other applicable guidance or compatible Agreement State Procedure.
- Inspection findings are communicated to licensees in a timely manner (30 calendar days, or 45 days for a team inspection), as specified in [IMC 0610](#), “Nuclear Material Safety and Safeguards Inspection Reports.”

b. Discussion

Mississippi performed 105 Priority 1, 2, 3, and 2 initial inspections during the review period. Of these inspections 2, or 1.9 percent, were performed overdue. At the time of the review, there were no overdue inspections. Mississippi utilizes a database for tracking inspection due dates. During the MRB meeting, Mississippi indicated that they will be transitioning their inspection data into the inspection tab in Web-Based Licensing (WBL) before the next periodic meeting.

Mississippi's inspection frequencies were the same for similar license types in the NRC's program. A sampling of 24 inspection reports indicated that none of the inspection findings were communicated to the licensees beyond 30 days after the inspection exit or 45 days after the team inspection exit.

Mississippi inspected 10 of the 27 reciprocity licensee's during the review period. The Team noted that Mississippi's reciprocity inspection procedure was consistent with the guidance contained in IMC 2800, and Mississippi is performing these inspections in a risk-informed, performance-based manner, with consideration of factors such as inspection, priority of licensee, and duration of work in the state. The team reviewed the reciprocity inspections and determined that these inspections were performed in accordance with the guidance provided in SA-101.

c. Evaluation

The team determined that, during the review period, Mississippi met the performance indicator objectives listed in Section 3.2.a. Based on the criteria in MD 5.6, the team recommends that Mississippi's performance with respect to the indicator, Status of Materials Inspection Program, be found satisfactory.

d. MRB Discussion and Chair's Determination

The MRB Chair agreed with the team's recommendation and found Mississippi's performance with respect to this indicator satisfactory.

3.3 Technical Quality of Inspections

Inspections, both routine and reactive, provide reasonable assurance that licensee activities are carried out in a safe and secure manner. Accompaniments of inspectors performing inspections and the critical evaluation of inspection records are used to assess the technical quality of an inspection program.

a. Scope

The team used the guidance in [SA-102](#), "Reviewing the Common Performance Indicator: Technical Quality of Inspections," and evaluated Mississippi's performance with respect to the following performance indicator objectives:

- Inspections of licensed activities focus on health, safety, and security.
- Inspection findings are well-founded and properly documented in reports.
- Management promptly reviews inspection results.

- Procedures are in place and used to help identify root causes and poor licensee performance.
- Inspections address previously identified open items and violations.
- Inspection findings lead to appropriate and prompt regulatory action.
- Supervisors, or senior staff as appropriate, conduct annual accompaniments of each inspector to assess performance and ensure consistent application of inspection policies.
- For Programs with separate licensing and inspection staffs, procedures are established and followed to provide feedback information to license reviewers.
- Inspection guides are compatible with the NRC guidance.
- An adequate supply of calibrated survey instruments is available to support the inspection program.

b. Discussion

The team evaluated 24 inspection reports and enforcement documentation, and interviewed inspectors involved in materials inspections conducted during the review period. The team reviewed casework for inspections conducted by four of Mississippi's inspectors and covered medical, industrial, and service licenses.

A team member accompanied two inspectors on February 25 and 26, 2025. The inspector accompaniments are identified in Appendix B. The team determined that the inspectors' performances observed during the inspector accompaniments indicated that the inspectors were knowledgeable of the requirements for each license type and were able to identify potential health, safety, and security concerns.

The team evaluated the performance of supervisory accompaniments of qualified inspectors and noted that all qualified inspectors were accompanied annually during the review period.

The team noted that Mississippi maintained sufficient instrumentation for inspectors to conduct independent and confirmatory radiation measurements. The instrumentation was calibrated at appropriate intervals and was appropriate for the types of licensed activities being inspected.

c. Evaluation

The team determined that, during the review period, Mississippi met the performance indicator objectives listed in Section 3.3.a. Based on the criteria in MD 5.6, the team recommends that Mississippi's performance with respect to the indicator, Technical Quality of Inspections be found satisfactory.

d. MRB Discussion and Chair's Determination

The MRB Chair agreed with the team's recommendation and found Mississippi's performance with respect to this indicator satisfactory.

3.4 Technical Quality of Licensing Actions

The quality, thoroughness, and timeliness of licensing actions can have a direct bearing on public health and safety, as well as security. An assessment of licensing procedures,

implementation of those procedures, and documentation of communications and associated actions between the Mississippi licensing staff and regulated community is a significant indicator of the overall quality of the licensing program.

a. Scope

The team used the guidance in [SA-104](#), "Reviewing the Common Performance Indicator: Technical Quality of Licensing Actions," and evaluated Mississippi's performance with respect to the following performance indicator objectives:

- Licensing action reviews are thorough, complete, consistent, and of acceptable technical quality with health, safety, and security issues properly addressed.
- Essential elements of license applications have been submitted, and elements are consistent with current regulatory guidance (e.g., pre-licensing guidance, Title 10 of the *Code of Federal Regulations* (10 CFR) Part 37, financial assurance, etc.).
- License reviewers, if applicable, have the proper signature authority for the cases they review independently.
- License conditions are stated clearly and can be inspected.
- Deficiency letters clearly state regulatory positions and are used at the proper time.
- Reviews of renewal applications demonstrate a thorough analysis of a licensee's inspection and enforcement history.
- Applicable guidance documents are available to reviewers and are followed (e.g., NUREG-1556 series, pre-licensing guidance, regulatory guides, etc.).
- Licensing practices for risk-significant radioactive materials (RSRM) are appropriately implemented including the physical protection of Category 1 and Category 2 quantities of radioactive material (10 CFR Part 37 equivalent).
- Documents containing sensitive security information are properly marked, handled, controlled, and secured.

b. Discussion

During the review period, Mississippi performed 201 radioactive materials licensing actions. The team evaluated 15 of those licensing actions. The licensing actions selected for review included one new application, nine amendments, four renewals, one termination. The team evaluated casework which included the following license types and actions: broad scope, medical diagnostic and therapeutic, industrial radiography, research and development, academic, nuclear pharmacy, gauges, self-shielded irradiators, well-logging, decommissioning, financial assurance, and change of ownership notifications. The casework sample represented work from all license reviewers.

During this review it was noted that each amendment was thoroughly reviewed by multiple reviewers, sometimes all reviewers. This is an excellent way to maintain consistency and to facilitate gaining experience for license reviewers in training.

Financial Assurance was reviewed and determined to be in compliance with Mississippi equivalent requirements, and the NRC memorandum to the regions dated July 13, 2017.

Mississippi continued implementing the NRC's WBL system for licensing during the review period and successfully addressed concerns related to the use of non-standard license

conditions noted in the 2023 IMPEP report. The team found no issues with Mississippi's use of license conditions.

All licensing actions reviewed were thorough, well-documented, and of adequate technical quality, with health, safety, and security issues properly addressed. All necessary licensee commitments were obtained, and deficiency letters and license conditions were well supported by information contained in the licensing files.

During the 2023 IMPEP review, the recommendation to ensure all RSOs, AUs, authorized nuclear pharmacists, and authorized medical physicists were appropriately qualified in accordance with applicable licensing guidance was kept open. The team reviewed Mississippi's action to address the 2023 IMPEP review recommendation to ensure all RSOs, AUs, authorized nuclear pharmacists, and authorized medical physicists were appropriately qualified in accordance with applicable licensing guidance. The team determined that since the 2023 IMPEP review, Mississippi had completed the requirements of the recommendation and submitted their results to the NRC shortly after 2023 IMPEP review. Mississippi subsequently amended all affected licenses.

At the time of the review, no licensing actions were found to be in excess of one year. All actions were completed in a timely manner including multiple reviews.

The team evaluated the implementation of the Pre-Licensing Guidance and RSRM checklists. The team found that Mississippi conducted pre-licensing site visits for unknown entities and that the guidance was properly implemented. For applications with RSRM, Mississippi completed the RSRM checklist and performed on-site security reviews, as necessary. Documents containing sensitive security information were marked, handled, and secured appropriately.

The team found that Mississippi's licensing team demonstrated high levels of cooperation and consistency. The program was responsive, adaptable, and the review process provided trainees with quick exposure to a breadth of licensing activity.

c. Evaluation

The team determined that, during the review period, Mississippi met the performance indicator objectives listed in Section 3.4.a. Based on the criteria in MD 5.6, the team recommends that Mississippi's performance with respect to the indicator, Technical Quality of Licensing Actions, be found satisfactory.

The team reviewed a sample of RSO and AU proposed authorizations and determined that all the requested authorizations met the criteria set forth in Mississippi's equivalent 10 CFR Part 35 and the applicable NUREG 1556 series and recommended closing the recommendation held open from the 2023 IMPEP.

d. MRB Discussion and Chair's Determination

The MRB Chair agreed with the team's recommendation and found Mississippi's performance with respect to this indicator satisfactory. The MRB Chair also agreed with the team's recommendation to close the recommendation held open from the 2023 IMPEP associated with this performance indicator.

3.5 Technical Quality of Incident and Allegation Activities

The quality, thoroughness, and timeliness of response to incidents and allegations of safety concerns can have a direct bearing on public health, safety and security. An assessment of incident response and allegation investigation procedures, actual implementation of these procedures internal and external coordination, timely incident reporting, and investigative and follow-up actions, are a significant indicator of the overall quality of the incident response and allegation programs.

a. Scope

The team used the guidance in [SA-105](#), "Reviewing the Common Performance Indicator: Technical Quality of Incident and Allegation Activities," and evaluated Mississippi's performance with respect to the following performance indicator objectives:

- Incident response and allegation procedures are in place and followed.
- Response actions are appropriate, well-coordinated, and timely.
- On-site responses are performed when incidents have potential health, safety, or security significance.
- Appropriate follow-up actions are taken to ensure prompt compliance by licensees.
- Follow-up inspections are scheduled and completed, as necessary.
- Notifications are made to the NRC Headquarters Operations Center for incidents requiring a 24-hour or immediate notification to the Agreement State or NRC.
- Incidents are reported to the Nuclear Material Events Database (NMED) and closed when all required information has been obtained.
- Allegations are investigated in a prompt, appropriate manner.
- Concerned individuals are notified within 30 days of investigation conclusions.
- Concerned individuals' identities are protected, as allowed by law.

b. Discussion

During the review period, one reportable and one non-reportable incident were reported to Mississippi. The team evaluated the one reportable radioactive materials incident which involved damaged equipment (stuck shutter). Mississippi dispatched inspectors for an onsite follow-up for the one case reviewed. This event has been closed in the Nuclear Materials Events Database and completed by Mississippi.

Mississippi used their Complaint/Allegation/Incident (CAI) Procedure, Rev. 1, dated November 1, 2022, to determine the appropriate level of incident response, which can range from an immediate response to a review of the incident during the next routine inspection. Those determinations were made based on the circumstances and the health and safety significance of the incident, and in accordance with their procedures. The team determined that Mississippi dispatched inspectors for on-site follow-up, as appropriate.

The team also evaluated Mississippi's reporting of incidents to the NRC's Headquarters Operations Officer (HOO). The team noted that in each case requiring HOO notification, Mississippi reported the incident within the required time frame. The team also evaluated whether Mississippi had not reported any required incidents to the HOO. The team did not identify any missed reporting requirements.

During the review period, four allegations were received by Mississippi. The team evaluated all four, including two referred to Mississippi by the NRC.

In accordance with Mississippi's CAI Procedure, with few exceptions, Mississippi state law requires that any information in Division files, whether working documents or finalized and approved documents, is open to the public. If a complainant who is known to Mississippi wishes to remain anonymous, there currently is no way to assure anonymity other than to refrain from making the complainant's identity a part of any record.

Mississippi tracks all incidents and allegations by calendar year, in accordance with their CAI procedure, Rev. 1, dated November 1, 2022.

During the review period Mississippi used a set of posters to guide staff on reporting and communicating events. The flow chart was based on [SA-300](#), "Reporting Material Events" and includes a posters outlining their "Event Reporting Critical Workflow Pathway" and steps from "*Licensee to Mississippi State Department of Health [MSDH] Rad Health, MSDH Rad Health to NRC, and MS MSDH NMED Reporting.*" These posters serve as a reminder to staff on Mississippi's process for reporting and communicating events within the program.

c. Evaluation

The team determined that, during the review period, Mississippi met the performance indicator objectives listed in Section 3.5.a. Based on the criteria in MD 5.6, the team recommends that Mississippi's performance with respect to the indicator, Technical Quality of Incident and Allegation Activities, be found satisfactory.

d. MRB Discussion and Chair's Determination

The MRB Chair agreed with the team's recommendation and found Mississippi's performance with respect to this indicator satisfactory.

4.0 NON-COMMON PERFORMANCE INDICATORS

Four non-common performance indicators are used to review Agreement State programs: (1) Legislation, Regulations, and Other Program Elements; (2) Sealed Source and Device (SS&D) Evaluation Program; (3) Low-Level Radioactive Waste (LLRW) Disposal Program; and (4) Uranium Recovery (UR) Program. The NRC retains regulatory authority for UR Programs; therefore, only the first three non-common performance indicators applied to this review.

4.1 Legislation, Regulations, and Other Program Elements

State statutes should authorize the State to establish a program for the regulation of Agreement State material and provide authority for the assumption of regulatory responsibility under the State's agreement with the NRC. The statutes must authorize the State to promulgate regulatory requirements necessary to provide reasonable assurance of adequate protection of public health, safety, and security. The Agreement State must be authorized through its legal authority to license, inspect, and enforce legally binding requirements, such as regulations and licenses. The NRC regulations that should be adopted by an Agreement State for purposes of compatibility or health and safety should be adopted in a time frame so that the effective date of the State requirement is not later than 3 years after the effective date of the NRC's final rule. Other program elements that have been designated as necessary for maintenance of an

adequate and compatible program should be adopted and implemented by an Agreement State within 6 months following the NRC designation. A Program Element Table indicating the Compatibility Categories for those program elements other than regulations can be found on the NRC website at the following address: <https://scp.nrc.gov/regtoolbox.html>.

a. Scope

The team used the guidance in [SA-107](#), "Reviewing the Non-Common Performance Indicator: Legislation, Regulations, and Other Program Elements," and evaluated Mississippi's performance with respect to the following performance indicator objectives. A complete list of regulation amendments can be found on the NRC website at the following address: <https://scp.nrc.gov/regtoolbox.html>.

- The Agreement State program does not create conflicts, duplications, gaps, or other conditions that jeopardize an orderly pattern in the regulation of radioactive materials under the Atomic Energy Act of 1954, as amended.
- Regulations adopted by the Agreement State for purposes of compatibility or health and safety were adopted no later than 3 years after the effective date of the NRC regulation.
- Other program elements, as defined in [SA-200](#) that have been designated as necessary for maintenance of an adequate and compatible program, have been adopted and implemented within 6 months of NRC designation.
- The State statutes authorize the State to establish a program for the regulation of Agreement State material and provide authority for the assumption of regulatory responsibility under the agreement.
- The State is authorized through its legal authority to license, inspect, and enforce legally binding requirements such as regulations and licenses.
- Sunset requirements, if any, do not negatively impact the effectiveness of the State's regulations.

b. Discussion

Mississippi became an Agreement State on July 1, 1962. The State's current effective statutory authority is contained in the Mississippi Administrative Code Title 15, Part 21, Division of Radiological Health regulations. The Mississippi Radiation Protection Law of 1976 designates the Department of Health as the radiation control agency for Mississippi. No new legislation was created or implemented since the last IMPEP review.

Mississippi adopts the NRC's regulations by reference.

In accordance with SA-107, the review team identified five Regulation Amendment Tracking System Identification Numbers (RATS IDs) that were overdue for adoption by Mississippi:

1. "Individual Monitoring Devices" (10 CFR Parts 34, 36, and 39), due for adoption on June 16, 2023 (RATS ID 2020-1), currently 21 months overdue.
2. "Social Security Fraud Prevention" (10 CFR Parts 9 and 35), due for adoption on August 17, 2023 (RATS ID 2020-2), currently 19 months overdue.
3. "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), due for adoption on November 16, 2023 (RATS ID 2020-3), currently 17 months overdue.

4. "Miscellaneous Corrections" (10 CFR Parts 2, 11, 20, 25, 32, 35, 37, 50, 52, 55, 70, 72, 73, 95, and 110), due for adoption on September 8, 2024 (RATS ID 2021-1), currently 7 months overdue.
5. "Miscellaneous Corrections" (10 CFR Parts 9, 37, 40, 50, 51, 52, 55, 71, 73, and 110), due for adoption on December 30, 2024 (RATS ID 2021-2), currently 4 months overdue.

Per SA-107, significant or essential regulations are classified as compatibility category A or B (excluding minor corrections), as outlined in SA-200. The review team identified five overdue regulation amendments applicable to Mississippi. The assessment concluded that none of these overdue amendments have adversely affected public health and safety. Three of the overdue amendments, categorized as "Miscellaneous Corrections," were deemed minor and had no impact on the health and safety of Mississippi licensees. The remaining two amendments, "Individual Monitoring Devices" and "Social Security Fraud Prevention," while not classified as minor, were also determined to have no effect on the health and safety of Mississippi licensees. To ensure regulatory compatibility, Mississippi intends to incorporate RATS ID 2020-1 for "Individual Monitoring Devices" (10 CFR Parts 34, 36, and 39) and RATS ID 2020-2 for "Social Security Fraud Prevention" (10 CFR Parts 9 and 35) through an "adopt by reference" approach during the FY 2026 Legislative Session. Whereas Mississippi uses incorporation by reference of the NRC regulations, these five were submitted for adoption on April 1, 2025.

Certain program elements, as specified in MD 5.9, "Adequacy and Compatibility of Program Elements for Agreement State Programs," have been designated as necessary to ensure uniformity nationwide for compatibility purposes. During this review period, the team determined Mississippi has appropriately adopted all applicable elements and that each is compatible with the NRC. Mississippi submitted five amended regulations to the NRC on April 1, 2025, in [ML25107A157](#), and NRC staff typically complete reviews of State submissions within 60 days.

c. Evaluation

The team determined that, during the review period, Mississippi met the performance indicator objectives listed in Section 4.1.a, except for:

- Five regulatory packages were not adopted by the Agreement State for purposes of compatibility or health and safety within the 3 years after the effective date of the NRC regulation.

During the IMPEP review, Mississippi submitted five amended regulations to the NRC on April 1, 2025, to address the five overdue regulations discovered during the review. Based on Mississippi's submission, for this performance indicator, the team considered whether Mississippi's performance met the criteria for satisfactory and should be considered satisfactory. However, MD 5.6 states that consideration should be given for a finding of satisfactory but needs improvement when a review demonstrates the presence of more than a few, but less than most of the significant NRC regulations that should be adopted by an Agreement State for purposes of compatibility or public health and safety are not in effect and/or not implemented within 3 years after the effective date of the NRC's final rule or as approved by the Commission.

Therefore, based on the IMPEP evaluation criteria in MD 5.6, the team recommends that Mississippi's performance with respect to the indicator Legislation, Regulations, and Other Program Elements be found satisfactory but needs improvement.

d. MRB Discussion and Chair's Determination

The MRB Chair agreed with the team's recommendation and found Mississippi's performance with respect to this indicator satisfactory but needs improvement.

4.2 SS&D Evaluation Program

Under its agreement with the NRC, Mississippi has the authority to regulate SS&D evaluations for manufacturers and distributors located within its borders. No SS&D manufacturers or distributors have existed in Mississippi since it became an Agreement State. As a result, Mississippi does not currently have a program staffed to perform SS&D evaluations. Therefore, the team did not review this indicator, consistent with previous IMPEP reviews.

4.3 LLRW Disposal Program

In 1981, the NRC amended its Policy Statement, "Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement," to allow a State to seek an amendment for the regulation of LLRW as a separate category. Those States with existing Agreements prior to 1981 were determined to have continued LLRW disposal authority without the need for an amendment. Although, Mississippi has authority to regulate an LLRW disposal facility, the NRC has not required States to have a program for licensing a disposal facility until such time as the State has been designated as a host State for a LLRW disposal facility.

When an Agreement State has been notified or becomes aware of the need to regulate a LLRW disposal facility, it is expected to put in place a regulatory program that will meet the criteria for an adequate and compatible LLRW disposal program. There are no plans for a LLRW disposal facility in Mississippi. Accordingly, the team did not review this indicator.

5.0 SUMMARY

The team found Mississippi's performance to be satisfactory for the following five performance indicators: Technical Staffing and Training; Status of Materials Inspection Program; Technical Quality of Inspections; Technical Quality of Licensing Actions; and Technical Quality of Incident and Allegation Activities; The team also found Mississippi's performance to be satisfactory but needs improvement for the following performance indicator: Legislation, Regulations, and Other Program Elements.

The MRB Chair agreed with the team's recommendation to closing the two 2023 IMPEP review recommendations.

Accordingly, the MRB Chair found the Mississippi radiation control program's performance adequate to protect public health and safety and compatible with the NRC's program. The MRB Chair also determined that a periodic meeting will take place in approximately 2 years with the next IMPEP review taking place in approximately 4 years.

The team also considered whether Mississippi should be moved to a period of monitoring or completely removed from enhanced oversight. Guidance in [SA-122](#), “Enhanced Oversight,” allows monitoring to be considered for Programs being removed from heightened oversight. The team recommended that Mississippi’s performance over this review period did not indicate a period of monitoring would be appropriate since: (1) the team recommended all common performance indicators be rated satisfactory and the non-common performance indicator be satisfactory but needs improvement, (2) program performance has improved over this review period, and (3) all recommendations have been successfully implemented. Based on the team’s findings and Mississippi’s sustained improved performance, and the criteria in NRC MD 5.6, “Integrated Materials Performance Evaluation Program (IMPEP),” and SA-122, the MRB Chair determined that Mississippi be removed from heightened oversight and returned to routine oversight.

LIST OF APPENDICES

| | |
|------------|---------------------------|
| Appendix A | IMPEP Review Team Members |
| Appendix B | Inspector Accompaniments |

APPENDIX A

IMPEP REVIEW TEAM MEMBERS

| Name | Areas of Responsibility |
|--------------------------------------|--|
| Shawn Seeley, NRC RI | Team Leader Technical Staffing and Training Inspector Accompaniments |
| Steve Seeger, State of Tennessee | Status of Materials Inspection Program Technical Quality of Inspections |
| Caleb Smith, State of North Carolina | Technical Quality of Licensing Actions |
| Jackie Cook, NRC RIV | Technical Quality of Incident and Allegation Activities |
| Solomon Sahle, NRC NMSS | Legislation, Regulations, and Other Program Elements |

APPENDIX B

INSPECTOR ACCOMPANIMENTS

The following inspector accompaniments were performed prior to the IMPEP review:

| | |
|---|--------------------------|
| Accompaniment No.: 1 | License No.:LA-13465-L01 |
| License Type: <i>Industrial Radiography</i> | Priority: 1 |
| Inspection Date: 2/25/2025 | Inspector's initials: SB |

| | |
|--|--------------------------|
| Accompaniment No.: 2 | License No.: MS-039-01 |
| License Type: <i>Medical Institution WD required</i> | Priority: 3 |
| Inspection Date: 2/26/2025 | Inspector's initials: JA |

Management Review Board:

- Andrea Koch, Acting Office of Nuclear Material Safety and Safeguards (NMSS), and Acting Management Review Board (MRB) Chair;
- Jessica Bielecki, Assistant General Counsel for Rulemaking, Agreement States and Fee Policy;
- Kathryn Brock, Acting Deputy Director, NMSS;
- Muhammed Shuaibi, Deputy Regional Administrator, NRC Region III; and
- Phil Peterson, Organization of Agreement States representative to the MRB, from the State of Colorado.

Mississippi Program Management:

- Laura Goodson, Assistant Senior Deputy, Office of the State Health Officer, Mississippi State Department of Health (MSDH);
- Ron Rogers, Director, Radiological Health Program, MSDH;
- Drew Clark, Deputy Director, Radiological Health Program, MSDH; and
- Jeff Algee, Branch Supervisor, Division of Radiological Health, MSDH.

IMPEP Team:

- Shawn Seeley, Team Leader, NRC Region I;
- Jackie Cook, NRC Region IV;
- Solomon Sahle, NRC NMSS
- Steve Seeger, State of Tennessee; and
- Caleb Smith, State of North Carolina.

NRC, Agreement State, and Other Members of the Public:

- | | |
|---------------------------------------|--|
| • Harry Felsher, NMSS; | • Samantha Everett, NRC Region IV; |
| • Sherrie Flaherty, NMSS | • Tony Gonzales, NRC Region IV; |
| • Lisa Forney, NMSS | • Latischa Hanson, NRC Region IV |
| • Adelaide Giantelli, NMSS | • Binesh Tharakan, NRC Region IV |
| • Michelle Hammond, NMSS | • Alexis Willis, NRC Region IV; |
| • Robert Johnson, NMSS | • Carmen Dykes, NRC TTC; |
| • Cardelia Maupin, NMSS; | • Lisa Gavathas, State of Florida |
| • Karen Meyer, NMSS | • Kevin Kunder, State of Florida; |
| • Joey Rolland, NMSS; | • Anastasia Bennett, State of Georgia; |
| • Dafna Silberfeld, NMSS | • Avionne Fortner, State of Georgia; |
| • Lee Smith, NMSS | • C. Garner-Parkerson, State of Georgia; |
| • Danielle Williams, NMSS | • Gary Forsee, State of Illinois; |
| • Katie Barnes, NRC Region I; | • Daisy Coffman, State of Indiana |
| • Bryan Edwards, NRC Region I; | • Courtney Eckstein, State of Indiana |
| • Laura Cender, NRC Region III; | • Kaci Studer, State of Indiana |
| • Magda Gryglak, NRC Region III; | • Aaron Short, State of Kansas; |
| • Jonathan Pfingsten, NRC Region III; | • Jill Southerland, State of Kansas; |
| • Casey Alldredge, NRC Region IV; | • Cheyenne Ewing, State of Mississippi |
| • Kyle Bischoff, NRC Region IV; | • Shane Berry, State of Mississippi; |
| • Tammy Bloomer, NRC Region IV | • Rolando X, State of Mississippi; |
| • Jackie Cook, NRC Region IV | • Julia McRoberts, State of Mississippi; |
| • Jason Dykert, NRC Region IV; | • Emily Riley, State of Mississippi |
| • Randy Erickson, NRC Region IV | • Corey Creveling, State of Nevada; |

Mississippi Agreement State Program Management Review Board Meeting Participants
July 17, 2025, 1:00 p.m. – 2:10 p.m. (ET), via Microsoft Teams

- Ron Woodburn, State of Nevada;
- Sarah Sanderlin, State of New Jersey
- T. Morgan, State of North Carolina;
- Caleb Smith, State of North Carolina;
- J. Anderson, State of North Dakota;
- Michelle Brewer, State of Oklahoma;
- Keisha Cornelius, State of Oklahoma
- Korina Koci, State of South Carolina;
- Becki Harisis, State of Tennessee;
- R. Yankoski, Commonwealth of Virginia;
- J. Hernandez, State of Washington;
- David Reindl, State of Wisconsin; and
- Kyle Walton, State of Wisconsin.

MISSISSIPPI FINAL IMPEP REPORT DATE August 11, 2025

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| NAME | RJohnson <i>RJ</i> | SSeeley <i>SS</i> | LSmith <i>LS</i> | AGiantelli <i>AG</i> |
| DATE | Jul 28, 2025 | Jul 28, 2025 | Jul 28, 2025 | Jul 28, 2025 |
| OFFICE | NMSS | NRR | | |
| NAME | DSilberfeld TBloomer for <i>TB</i> | AKock <i>AK</i> | | |
| DATE | Jul 29, 2025 | Aug 8, 2025 | | |

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