

AGREEMENT STATE ANNUAL MEETING SUMMARY FOR MISSISSIPPI

DATE OF MEETING: SEPTEMBER 10, 1998

ATTENDEES:

NRC

Richard L. Woodruff, RSAO, Region II
Lance J. Rakovan, ASPO, OSP

STATE

Robert W. Goff, Director, Division of Radiological Health
B. J. Smith, Health Physicist Administrative, Materials Branch

DISCUSSION:

A meeting was held with the Mississippi representatives on September 10, 1998, in Jackson, Mississippi. The topics listed in NRC letter dated August 3, 1998, to Mr. Goff were discussed. Details for each area are discussed below.

Action on Previous Review Findings

The previous IMPEP review was conducted during the period of January 27-31, 1997. During this review, the following recommendations and suggestions (comments) were made to the State:

1. The review team suggests that the tracking system be revised to allow initial inspections to be readily identified. (Section 3.1)

Current Status

Program managers related that the computer system was revised, and that the system allows for initial inspections to be readily identified.

It is recommended that these actions be verified at the next IMPEP review.

2. The review team recommends that all initial inspections be performed within six months of license issuance or within six months of the licensee's receipt of material and commencement of operations, consistent with IMC 2800. (Section 3.1)

Current Status

Program Managers reported that all new licenses are receiving an initial inspection within six months of the licensee's receipt of licensed material, and in accordance with the Manual Chapter (MC) 2800 guidance.

It is recommended that these actions be verified at the next IMPEP review.

Enclosure

3. The review team recommends that the State give priority to filling the vacant HP Trainee position. (Section 3.2)

Current Status

The Health Physicist Trainee position was filled as planned. The Materials Branch Organization consists of five persons, a supervisor (Health Physicist Administrative); one Health Physicist Senior, two Health Physicists, and one Health Physicist Trainee. The Director related that one HP left the program recently and the HP Trainee had decided to leave effective September 14, 1998. This leaves the program with two vacancies and plans are to downgrade one HP position to a Trainee, and then fill the two vacant Trainee positions. Paperwork on this action was being completed at the time of the meeting. One Health Physicist with experience is scheduled to join the program on September 21, 1998. The Director related that the Division had the resources and authorization to fill the vacancies, and that a register of applicants for the positions was available. The Director also projected that the process would take from 1 to 2 months to fill the positions.

It is recommended that this comment remain open.

4. The team recommends that all "temporary job location" licensees be notified of their responsibility for determining federal jurisdiction, and that the All Agreement States letter SP-96-022 be utilized to revise the State's standard license condition for use of material at temporary job sites. (Section 3.3)

Current Status

The Program Director confirmed that all temporary job location licensees have been notified of their responsibilities in federal jurisdiction, and that a standard license condition for use of radioactive material at temporary job sites as suggested in the All Agreement States letter SP-96-022 is currently being used.

It is recommended that these actions be verified at the next IMPEP review.

5. The team suggests that the RMS review the methods used by strontium-90 eye applicator licensees to assess the quantity of material prior to patient administration. (Section 3.3)

Current Status

The State reported that copies of the NRC Information Notice 96-66 was provided to both licensees that were authorized for Sr-90 eye applicators. One license has been amended for storage only, and the remaining device possessed by the licensee is being transferred to an institutional medical licensed facility.

Enclosure

It is recommended that this comment be closed.

6. The team suggests that the State revisit their policy for conducting announced routine inspections, and consider performing more routine inspections on an unannounced basis, as permitted by available resources. (Section 3.4)

Current Status

The Program managers reported that the inspection policy had been modified and implemented, and that more unannounced routine inspections were being performed.

It is recommended that this comment be closed.

7. The review team suggests that the State review its form and adopt, where appropriate, field notes specific to the various types of licensees. (Section 3.4)

Current Status

The State reported that new inspection forms had been developed for radiopharmacies and High Dose Rate (HDR) afterloaders that are based upon the NRC's field notes. It was noted during the discussion that NRC was revising the inspection forms again, that the notes are now being called Inspection Records, and are available on the Internet.

It is recommended that this comment be closed.

8. The team recommends the use of deficiencies closely follow the revised enforcement procedure, particularly when regulations are cited. (Section 3.4)

Current Status

The Program Director related that the enforcement policy had been modified to reflect the use of deficiencies.

It is recommended that this comment be closed.

9. The team suggested the State document their inspection activities of performance-based methods such as observation of licensee operations, worker demonstration of material handling and use, employee interviews, and an increase in type and number of independent measurements. (Section 3.4)

Current Status

The Program Director related that the inspection forms had been modified and that additional documentation of performance based methods was being included in the reports.

It is recommended that this comment be closed.

10. The review team recommends that the State send in information of the reportable events that were not previously reported to NRC and continue voluntary reporting of all reportable events in the NMED database system collection of material events by providing event information directly into the NMED system electronically or providing compatible information in written form, in accordance with guidance contained in the "Handbook on Nuclear Material Event Reporting in the Agreement States," Draft Report, March 1995. (Section 3.5)

Current Status

The Program received additional training on the NMED system and all events are being reported as requested by the Office of State Programs. The Program Director related that the revised Event Reporting Handbook (SP-98-040) had been received and implemented.

It is recommended that these actions be verified at the next IMPEP review.

11. The team recommends that the State review and revise, as appropriate, its procedures for conducting onsite response to incidents whenever there is a potential for radiation exposure or radioactive contamination of the public. (Section 3.5)

Current Status

The Program Director reported that events are evaluated for their potential public health and safety hazards, and on-site responses are made as appropriate and in accordance with the Program's procedures.

It is recommended that these actions be verified at the next IMPEP review.

Program Strengths and/or Weaknesses

In general, the Mississippi representatives related that their program had adequate administrative support, legislative support, stable sources of funding, good legal support, and good laboratory support. The programs staffing was discussed as noted under the number 3 comment above.

Specific areas were discussed as follows:

1. The Program Director related that Mississippi had a comprehensive radiation control program that included not only agreement materials, but also NORM and NARM, electronic products, environmental surveillance, emergency preparedness, a fixed laboratory facility and a mobile laboratory all under one division.
2. The Materials Branch Chief related that the program had good radiation survey

Enclosure

equipment and another portable multichannel analyzer was recently purchased for use which is in addition to the mobile laboratory.

3. The Materials Branch Chief related that the program had upgraded their computers and the system is utilized for tracking and communication purposes, e-mail, and preparation of inspection reports and enforcement correspondence. The year 2000 compliant issue was also discussed and the Director related that plans were to have the computers year 2000 compliant by the first of the year.
4. The Materials Branch Chief related that the materials program had no inspection or licensing backlogs at this time.
5. The turn-over in technical staff was discussed along with future staffing and training needs. The Director related that two Health Physicist Trainees would be hired to fill the vacancies, and would be trained as needed. The program has limited resources for training but travel to courses held outside the State can be authorized. As a cost savings, courses held nearby and in the region are preferred.

All of the IMPEP Indicators were discussed and there were no performance issues identified during the meeting, except for the Staffing and Training Indicator discussed above.

Status of Program and/or Policy Changes

At the time of the meeting, there had been no significant changes in the organizational structure of the Division of Radiological Health since the 1997 IMPEP review. The Division is headed by the Director, Robert W. Goff, and has three technical Branches: Radioactive Materials Branch; Environmental Branch; and the X-Ray Branch. All of the technical branches report to the Division Director and the Division is organized under the Bureau of Environmental Health (Ricky L. Bogan, Director). The Bureau is one of three Bureau's under the Office of Health Regulation which reports directly to the State Health Officer, F.E. Thompson, MD.

All materials licensing and inspections are performed out of the Jackson, MS office.

No major changes in the staffing plan are planned at this point.

The Radioactive Materials Branch currently has 326 specific licenses, of which 13 licenses are considered to be major licenses.

Impact of NRC Program Changes

The NRC representatives discussed NRC program changes that could impact the State, such as the 10 CFR Part 35 revision, the current status of NRC's policies involving decommissioning of formerly licensed sites, NRC's training program, revision of licensing guides (NUREG 1556 Series), and ongoing work to revise the program for generally licensed devices.

In response to the issues, the State representatives related that the State would adopt

Enclosure

regulations as needed after 10 CFR Part 35 has been revised.

Internal program audits and self-assessments.

The managers reported that self-assessments were being accomplished through the use of the IMPEP indicator guidance criteria, and annual accompaniments of inspectors. The Materials Branch supervisor (Health Physicist Administrative) has participated on two IMPEP teams. The Director related that this participation has been helpful to them to better understand the IMPEP program and helpful in the assessment of their own program.

Status of Allegations Previously Referred

The NRC allegation program was discussed in general with the State representatives, including the need for protecting alleege identity, written responses to the alleege to close out the allegation, and the State's allegation procedures. The Program Director related that Mississippi had experienced very few allegations, that allegations were processed on a case-by-case basis, and that follow-up inspections were conducted as needed. A review of the allegations referred to the State by the NRC Region II office indicated that there had been only two allegations referred to the State and that both allegations had been closed at the NRC Regional Office. In general the State has been very responsive to the Regional requests when replies were needed to close out the allegations.

Nuclear Material Events Database (NMED) Reporting

A general discussion was held with the representatives concerning the NMED reporting system. Prior to this annual meeting, the RSAO prepared a report of events that had been placed in the NMED system, and the RSAO discussed the mechanism for reporting events, what events to report, the timeliness of reporting, and the revised Event Reporting Handbook that was developed. The Materials Branch Supervisor related that the new handbook had been received and that one individual had been assigned to enter the data into the system and track the events.

Compatibility of State Regulations

The new compatibility policy was discussed in general with the State representatives, including the OSP's procedures for reviewing proposed State regulations. Regulation amendments needed for adequacy and compatibility were discussed. Mississippi's regulations were previously discussed under the status of the IMPEP recommendations from the 1997 review.

No regulations have been adopted since the 1997 review which indicated that all regulations have been adopted up through the "Frequency of Medical Examinations for Use of Respiratory Protection Equipment," (60 FR 6900). In general, the Program adopts regulations provided under the Suggested State Regulations (SSR's), and it was acknowledged that the SSR's have not always been timely. The Program Director related that the some of the regulations needed in 1998 and 1999 had been drafted, and that a regulation package was being planned for adoption in early 1999. The Director related that changes in the Medical regulations were not

Enclosure

planned until the NRC's Part 35 had been revised. The State is implementing some regulations such as shipment manifest requirements and industrial radiography requirements through the licensing process, and on an as-needed basis.

The RSAO provided the State with an updated chronology during the meeting that listed the Federal Register numbers needed for adoption. The RSAO confirmed that the program is receiving NRC regulation changes as published and distributed, and the availability of the regulations on the NRC bulletin board was discussed.

Schedule for the Next IMPEP Review

The State was informed that the next Mississippi review is currently scheduled for the 2001 fiscal year, and that the State should consider the continued use of the IMPEP indicator criteria as a mechanism for self evaluation prior to the IMPEP.

CONCLUSION:

The Mississippi program has good managers, equipment, and sufficient resources to carry out the Agreement Program under the IMPEP criteria. The State does not currently have any inspection or licensing backlogs; however, one indicator "Technical Staffing and Training" needs to be closely monitored to assure that the performance criteria of the other indicators is being satisfied.

ACTION ITEMS:

None