



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET SW SUITE 23T85
ATLANTA, GEORGIA 30303-8931**

November 22, 2002

Mr. Robert W. Goff, Director
Division of Radiological Health
State Department of Health
3150 Lawson Street, P.O. Box 1700
Jackson, MS 39215-1700

SUBJECT: PERIODIC MEETING

Dear Mr. Goff:

This year's periodic meeting with Mississippi was held on November 19, 2002. The purpose of this meeting was to review and discuss the status of the Mississippi Agreement State program. Specific topics and issues of importance discussed at the meeting included actions on previous 2001 Integrated Materials Performance Evaluation Program (IMPEP) review findings, program strengths, staffing and training, performance of licensing and inspection activities, and the updating of regulations for compatibility.

I have completed and enclosed a general meeting summary, and I am not aware of any actions needed as a result of our meeting.

If you feel that our conclusions do not accurately summarize the meeting discussion, or have any additional remarks about the meeting in general, please contact me at 404-562-4704, or e-mail to rlw@nrc.gov to discuss your concerns.

Sincerely,

/RA/

Richard L. Woodruff
Regional State Agreement Officer

Enclosure: Periodic Meeting Summary

cc w/encl:
R.E. Trojanowski, RSLO, RII
S. Salomon, STP

Distribution w/encl:
D. Collins, Director, DNMS, RII
J. Piccone, DD, STP
L. Rakovan, STP
K. Schneider, STP

OFFICE	DNMS:RSAO	DNMS:D		
SIGNATURE	//RA/	/RA/		
NAME	RWoodruff	DCollins		
DATE	11/22/2002	11/22/2002	11/ /2002	11/ /2002
COPY?	YES NO	YES NO	YES NO	YES NO

AGREEMENT STATE PERIODIC MEETING SUMMARY FOR MISSISSIPPI

DATE OF MEETING: November 19, 2002

ATTENDEES:

NRC

Richard L. Woodruff, Regional State Agreements Officer (RSAO), Region II
Shawn Smith, Office of State and Tribal Programs (STP)
Douglas M. Collins, Director, Division of Nuclear Materials Safety (DNMS), Region II

STATE

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

DISCUSSION:

A meeting was held with the Mississippi representatives on November 19, 2002 in Jackson, Mississippi. The topics listed in NRC letter dated October 12, 2002, 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 May 21-25, 2001. The status of the 2001 IMPEP recommendations is as follows:

1. The review team recommends that the Division give priority to filling the vacant Health Physicist Senior position. (Section 3.3)

Status: The vacant position was filled and all staff positions have been filled. We recommend that this recommendation be closed.

2. The review team recommends the Division not delay unnecessarily promulgation of regulations required for compatibility in anticipation of NRC issuing final regulations or issuance of final Suggested State Regulations (SSRs). (Section 4.1.2)

Status: The Division updated their regulations on July 11, 2001, including all amendments needed for compatibility, through the FR Notice 64 FR 55525 (Regulation Assessment Tracking System, ID 1999-3).

Program Strengths and/or Weaknesses

In general, the Mississippi representatives related that their program had adequate administrative support, legislative support, good legal support, and stable sources of funding.

Enclosure

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, machine produced radiation, environmental surveillance, emergency preparedness, a fixed laboratory facility and a mobile laboratory all under the Division of Radiological Health. All branches of the Program are housed in the same building which allows for good communication, back up capabilities, and efficiency in performing the functions of the Program.
2. The Materials Branch Director related that the program had good radiation survey equipment including a portable multichannel analyzer, and sampling equipment for use which is in addition to the mobile laboratory. Calibration is obtained from a contractor.
3. The Materials Branch Director related that the materials program had no inspection backlogs or licensing issues at this time. The NUREG 1556 series documents are being utilized for guidance, and all licensing actions receive a peer review prior to be signed by the Program Director. This process is also used as a training mechanism for new employees.
4. The Branch Director also related that Industrial Radiographer licensees are inspected in the field and at their office during each year.
5. The Program collects about 75 percent of the budget from materials fees, and the other monies come from grants and contracts from the Food and Drug Administration (FDA), Department of Energy (DOE), and Environmental Protection Agency (EPA). The program is considering a realignment of the fee structure during this coming year. Currently, the Program does not have civil penalty authority, but the Director is considering another attempt for legislative approval of civil penalties during this next legislative session.
6. General licenses are registered, inspections are conducted including accountability for all sources, and fees are collected on an annual basis.
7. The turn-over in technical staff was discussed along with future staffing and training needs. The Director related that the program was fully staffed, but some training would be needed from NRC sponsored courses. The program has limited resources for training, but travel to courses held outside the State can be authorized with 60 to 90 days lead time needed to obtain the travel authorization. As a cost savings, courses held nearby and in the region are preferred. The Program Director related that he was aware that the training schedule was available on the NRC web site under State Programs, and that he preferred training that could be given locally or in neighboring States.

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 2001 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 Office of Environmental Health (Rick Herrington, Director), Office of Health Regulation, Mississippi State Department of Health. The Program Director related that the State has a new Health Officer, Brian W. Amy, M.D., M.H.A., M.P.H., and that there could be some reorganization of the Department of Health in the future. An updated contact list of managers and materials staff was provided. This list was furnished to STP via e-mail from the RSAO on November 21, 2002.

All materials licensing and inspections are performed out of the Jackson, Mississippi office. Technical staff members are cross trained to conduct inspections and perform license reviews. The Program Director related that in many cases, inspections were conducted more frequently than provided in the Manual Chapter 2800 guidance, and that the staff conducted detailed inspections with the focus on performance type inspections.

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

The Radioactive Materials Branch currently has 317 specific licenses, of which 155 licenses are considered to be core licenses (inspection priorities 1, 2, & 3). The Branch Director provided an updated listing of licenses.

Impact of NRC Program Changes

The Director, DNMS, RII discussed NRC program changes that could impact the State, such as the control of radioactive sources (accountability, orphan sources, physical protection, control of imports), federal guidance on dose to members of the public (clearance rule, Part 40 exemptions), the evolving materials program, risk analysis (NUREG 6642), priorities, safety goals, and the Interim Compensatory Measures.

In response to the issues, the Program Director related that the State did not have any sites to be decommissioned and that Mississippi regulations were being updated and that the proposed revisions would be provided to STP after the first of new year. The Program Director related that the NUREG/CR-6642 volumes had not been received. The State Agreement Officer mailed copies of Volumes 1, 2, and 3 following the return to the Region II office on November 20, 2002.

The Program Director commented that the State Health Department had satellite downlinks to participate in conferences and training provided by FDA, and that it would be helpful if NRC's training and conferences could also utilize the satellite equipment.

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 Program 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.

The Branch Director related that the NUREG 1556 series documents were being utilized and that the information was helpful during the licensing process. The Branch is also converting the Branch license tracking system to coincide with the program codes found in Manual Chapter 2800.

Status of Allegations Previously Referred

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 actions were conducted as needed to close out the allegation. A review of the allegations referred to the State by the NRC Region II office indicated that there had been no allegations referred to the State since the May 2001 IMPEP.

Nuclear Material Events Database (NMED) Reporting

A general discussion was held with the representatives concerning the NMED reporting system. A review of the NMED data base shows that there have been only eight events reported by the MS Program since the 2001 IMPEP. The Branch Director related that all events had been reported and the events closed out. All information had been supplied to the NMED contractor.

Compatibility of State Regulations

The compatibility policy was discussed in general with the State representatives, including the STP's procedures for reviewing proposed State regulations. The Mississippi regulations were updated (revised) on July 11, 2001. This revision included the minor editorial comments from NRC that were provided to the Program during the May, 2001 IMPEP. The State Regulation Status (SRS) sheet for Mississippi shows that all regulations needed for compatibility have been adopted up to the FR Notice 65 FR 20337 (RATS ID 2000-1) which will be needed by May 17, 2003. The Program Director related that amendments needed were being drafted, and that a regulation package was being planned for adoption during the early part of 2003. The Program Director 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 May of the 2005 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. All of the IMPEP Indicators were discussed and there were no performance issues identified during the meeting.

ACTION ITEMS: None