



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
612 EAST LAMAR BLVD, SUITE 400
ARLINGTON, TEXAS 76011-4125

April 21, 2010

Mr. B. J. Smith, Director
Mississippi State Department of Health
Division of Radiological Health
3150 Lawson Street
PO Box 1700
Jackson, MS 39215-1700

Dear Mr. Smith:

A periodic meeting with you and your staff was held on March 30, 2010. The purpose of this meeting was to review and discuss the status of the Mississippi Agreement State Program. The NRC was represented by Aaron McCraw from NRC's Office of Federal and State Materials and Environmental Management Programs and Rachel Browder and me from Region IV. I have completed and enclosed a general meeting summary, including any specific actions resulting from the discussions.

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 Rachel Browder at 817-276-6552 or by e-mail at Rachel.Browder@nrc.gov to discuss your concerns.

Sincerely,

/RA/

Linda McLean
Regional State Agreements Officer

Enclosure:
Mississippi Periodic Meeting Summary

MISSISSIPPI PERIODIC MEETING SUMMARY
Date of Meeting: March 30, 2010

Attendees

NRC	MISSISSIPPI
Linda McLean, RSAO	B. J. Smith, Division Director
Rachel Browder, RSAO	Jayson Moak, Branch Director
Aaron McCraw, FSME	Danny Brantley, Health Physicist
	Brandy Fraiser, Health Physicist
	Ali Shafqat, Health Physicist
	Jim Craig, Director* Office of Health Protection

*Attended exit briefing

DISCUSSION:

The last IMPEP Review was conducted April 20-24, 2009. During the IMPEP review period, four technical staff members left the program. One staff member transferred to another branch within the division, and the other three left the branch for other career opportunities. Of the three that left the division, two were Health Physicist Seniors that took a considerable number of years of experience with them and the other was a Health Physicist Trainee that left the Branch after just 4 months of employment.

Also during the review period, the former Division Director retired. In addition to maintaining his own duties and responsibilities, the former Branch Director assumed the responsibilities of the Division Director position until the position was filled. The Division Director position remained vacant for approximately one year before the former Branch Director was officially promoted to the Division Director position in 2008. In turn, the Division Director continued to execute the responsibilities of his former position until that position was filled almost a year later. In February 2009, a Health Physicist Senior was promoted to the Branch Director position.

The staff departures during this review period constituted a high degree of staff turnover relative to the size of the program. The Division Director and the Branch Director were the only individuals in the program that were with the program at the time of the 2005 review. Previous review teams also noted a high degree of staff turnover in the program. The high level of turnover limited the availability of resources to address the Branch's workload. For the past year, the Division Director and the Branch Director were the only qualified inspectors and license reviewers in the program and were performing all of the technical work in the Branch.

Mississippi's performance was found satisfactory, but needing improvement, for the performance indicator Technical Staffing and Training and satisfactory for all other performance indicators reviewed. Overall, the Mississippi Agreement State Program was found adequate to protect public health and safety and compatible with NRC's program.

Based on the results of the 2009 IMPEP Review, the Management Review Board (MRB) concurred that the next full review of the Mississippi Agreement State Program is to take place

ENCLOSURE

in approximately 4 years from this review, and a periodic meeting will be scheduled approximately 1 year from this review. Typically, periodic meetings take place approximately 2 years after an IMPEP review but, because of the importance of addressing the staff turnover issue, the MRB directed that a meeting be held sooner.

The purpose of the periodic meeting was to evaluate the effectiveness of the State's response to the review team's recommendations, as well as the overall implementation of the Agreement State program.

The status of the State's actions to address the open recommendations from the 2009 IMPEP Review follows:

1. The review team recommended that the State take additional actions, such as increasing salary and benefits, to stabilize staffing and ensure continued successful program implementation.

Status: Shortly after the last IMPEP review, two staff members were hired. With these additions, the Branch is fully staffed; however, one of the new staff members is expected to leave this summer to attend medical school.

A legislative bill was passed prohibiting pay increases to State employees during Mississippi's Fiscal Year (FY) 2010. The bill does not affect step increases or promotions. The Branch has requested that two staff be promoted from trainee to the Health Physicist position.

The State had a one-time salary increase for existing employees during the last review period. The increase did not affect the State's starting salary structure; therefore, the State's starting salaries remain comparatively low to neighboring Agreement State programs and private industry.

This recommendation remains open and should be evaluated at the next IMPEP review.

2. The review team recommended that the State update its existing procedures and develop new procedures, if necessary, to memorialize the policies and practices of the Agreement State program and to serve as a knowledge management tool.

Status: All procedures have been updated, and the following procedures have been implemented: licensing, inspections, and increased controls.

This recommendation should be verified and closed at the next IMPEP review.

3. The review team recommended that the State implement a reliable and comprehensive licensing and inspection database that serves as an effective planning, tracking, and data management tool.

Status: An Access database is now in use and is password protected. All licenses are in the database and inspection tracking has improved. The database also includes tracking candidates for reciprocity.

This recommendation should be verified and closed at the next IMPEP review.

4. The review team recommended that the State implement a process to ensure that violations are adequately documented, licensee corrective actions are reviewed for adequacy and documented, and sufficient followup of violations is performed and documented consistent with the safety or security significance.

Status: All inspection reports and letters are reviewed by the Division Director and the Branch Director before issuance. In addition, all incoming inspection correspondence is also reviewed by both managers. The Branch regularly meets to discuss potential violations found during inspections to improve staff consistency.

This recommendation should be verified and closed at the next IMPEP review.

5. The review team recommended that the State develop and implement a procedure for the control of sensitive or security-related information that provides guidance to identify, mark, handle, and protect such information.

Status: A procedure for the control of sensitive and security-related information has been developed and implemented.

This recommendation should be verified and closed at the next IMPEP review.

Other Topics Covered at the Meeting Included

Program Strengths: The Branch is small; therefore, the staff does both inspections and licensing actions. This improves communications between staff and provides increased awareness of licensees' activities.

Program Weaknesses: Turnover has been a problem for several years.

Feedback on NRC's Program

The Division indicated that they appreciated the good support they receive from NRC Region IV and enjoy the good relationship and communication that they have with NRC in general.

Staffing and Training

The Branch is currently fully staffed with a total of four staff positions; although, three have one year or less experience. The new staff members are aggressively taking the NRC training courses to become qualified in all types of inspections.

A Region III license reviewer provided training on licensing to the new staff recently. The Director and staff commented that it was very good training and thanked NRC for the assistance.

Program Reorganizations

The State has appointed a new State Health Officer. No other reorganizations have taken place since the last review.

Changes in Program Budget/Funding

The Division, although fully fee funded, had \$135,000 removed from their \$1.3 million 2010 budget. The Division Director does not believe this cut will significantly impact the radioactive materials program.

Materials Inspection Program

At the time of this periodic meeting, no Priority 1, 2, or 3 or initial inspections were overdue. Since becoming fully-staffed, the Division has been able to reduce its backlog of lower priority inspections. At the time of this periodic meeting, no inspections were overdue.

Materials Licensing Program

New applications and amendments are completed promptly. However, license renewals have a significant backlog. The delay in completing renewals is due to the staff shortage. The Branch's top priority is new applications and amendments. All licensing actions are peer reviewed and then reviewed and signed by the Division Director.

Regulations and Legislative Changes

One legislative change is a bill prohibiting salary increases which affects the branch.

The State is up to date on all regulation amendments currently required for compatibility. The Branch needs to respond to comments on a final regulation (RATS ID 2004-1) reviewed by NRC.

The following amendments will need to be addressed by the Branch in future rulemakings or by adopting alternate generic legally binding requirements:

- "Medical Use of Byproduct Material – Minor Corrections and Clarifications," 10 CFR Parts 32 and 35 amendment (72 FR 45147, 54207), that is due for Agreement State adoption by October 29, 2010.
- "Requirements for Expanded Definition of Byproduct Material," 10 CFR Parts 20, 30, 31, 32, 33, 35, 61, and 150 amendment (72 FR 55864), that is due for Agreement State adoption by November 30, 2010.
- "Exemptions from Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements," 10 CFR Parts 30, 31, 32, and 150 amendment (72 FR 58473), that is due for Agreement State adoption by December 17, 2010.

- “Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent,” 10 CFR Parts 19 and 20 amendment (72 FR 68043), that is due for Agreement State adoption by February 15, 2011.

Event Reporting, Including Follow-up and Closure Information in NMED

The Branch reported three events to NMED since the 2009 IMPEP review. All of the events were appropriately reported to the NRC and were properly entered into, and updated within, NMED.

Response to Incidents and Allegations

The Branch continues to be responsive to notifications of incidents and allegations. Incidents are quickly reviewed for their affect on public health and safety.

Status of Allegations and Concerns Referred by the NRC for Action

The NRC did not refer any allegations to Mississippi since the last IMPEP review.

Significant events and generic implications

Staff members were aware of the recent Information Notice issued by the NRC regarding industrial gauge shutter issues. The Branch has been keeping up with the recent fixed gauge events and is looking at this issue during routine inspections.

Emerging Technologies

None noted

Large, Complicated, or Unusual Authorizations for use of Radioactive Materials

None noted

Current State initiatives

For many years, the Division has been monitoring the Salmon site where two underground detonations took place on October 22, 1964, and December 3, 1966. The Salmon Site is a 1,470-acre tract of land located about 21 miles southwest of Hattiesburg, Mississippi. The tract is located over a geological formation known as the Tatum Salt Dome and is the location of the only nuclear weapons test detonations known to have been performed in the Eastern United States.

The Division recently was told that DOE wants to turn over the site to the State. The State is anxious to take it and use it for recreational activities. The land is self-supporting because of its timber resources. The State's plan is to cut down many of the trees and sell them to provide the resources for making the land into a State park.

The Division's concern is that the trees have never been analyzed for radioactive material deposition, such as tritium. Therefore, the Division plans to start analyzing the trees for both radioactive materials and chemical deposition. Although the radioactive materials Branch will not be impacted by these activities, the Division's laboratory will be heavily involved in these activities.

State's Mechanisms to Evaluate Performance

The Branch uses peer reviews of licensing actions and inspection reports to ensure the quality of regulatory products. Inspectors are accompanied annually by the Branch Director or Division Director. Also, the Branch Director reviews the monthly inspection status reports and maintains a training file for all of the inspectors.

Current NRC Initiatives

NRC staff discussed ongoing initiatives with the Mississippi representatives. This included web-based licensing, maximum possession limits, sharing enforcement information, and NSTS activities.

CONCLUSIONS:

The branch has spent a noteworthy amount of time and effort on the five recommendations from the last IMPEP review. Even with having only two qualified inspectors, the branch has continued to maintain public health and safety and continue an effective safety program.

Mr. Jim Craig, Director, Office of Health Protection, was available for the exit brief. Issues discussed were the staff turnover rate, staff retention, and other areas of concern, such as the licensing backlog.

Schedule for the Next IMPEP Review

NRC staff recommends that the next IMPEP review be held, as currently scheduled, in FY2013.