

MISSISSIPPI DEPARTMENT OF HEALTH  
QUARTERLY MONITORING CALL SUMMARY  
NOVEMBER 1, 2017

<b>NRC Attendees</b>	<b>Mississippi State Department of Health Attendees</b>
Binesh Tharakan, Regional State Agreements Officer, Region IV	Jim Craig, Director, Office of Health Protection
Linda Howell, Deputy Director, Division of Nuclear Material Safety, Region IV	Bobby Smith, Director, Division of Radiological Health
Paul Michalak, Branch Chief, Agreement State Program Branch, Office of Nuclear Material Safety and Safeguards	Melanie Vail-Fuller, Team Leader, Quality Improvement Team
Lance Rakovan, Senior Health Physicist, Agreement State Program Branch	Robert Sims, Health Physicist, Radioactive Materials Branch
Lizette Roldan-Otero, Health Physicist, Agreement State Program Branch	Benjamin Culpepper, Health Physicist, Radioactive Materials Branch

**Background:**

On July 27, 2017, a Management Review Board (MRB), which consisted of U.S. Nuclear Regulatory Commission (NRC) senior managers and an Organization of Agreement States liaison, met to consider the recommendations from the April 2017 Integrated Materials Performance Evaluation Program (IMPEP) review of the Mississippi Agreement State Program (the Program). Based on the recommendations of the team, the MRB found the Program satisfactory for three out of six performance indicators that were reviewed (Technical Staffing and Training, Status of Materials Inspection Program, and Technical Quality of Inspections). The MRB found the other three indicators satisfactory, but needs improvement (Technical Quality of Licensing Actions, Technical Quality of Incident and Allegation Activities, and Compatibility Requirements). Accordingly, the MRB found the Mississippi Agreement State Program adequate to protect public health and safety, but needs improvement, and compatible with the NRC's program. The MRB directed that a period of Monitoring be initiated for the Mississippi program and a periodic meeting be conducted approximately one year from the IMPEP review.

Monitoring is a process by which NRC monitors the progress of an Agreement State or NRC Region through a series of periodic conference calls, typically held quarterly with the program. The purpose of the calls is to review the program's progress towards implementing recommendations made by the IMPEP review team, as well as to discuss the status of the IMPEP indicators and any changes that could impact the program's performance.

The following summary documents the Monitoring call held on November 1, 2017, with the Mississippi Agreement State Program.

**Summary:**

The IMPEP review team made one recommendation in Technical Quality of Licensing Actions which was expanded and modified by the MRB to include incidents and allegation activities.

The following recommendation was made by the MRB: the MRB recommends that the Program review its guidance, including licensing, incident and allegation guidance; update this guidance, as appropriate; and provide training to all Program staff on the new procedures.

To address the recommendation and other issues identified during the 2017 IMPEP review, the Mississippi State Department of Health (the Department), Division of Radiological Health (the Division), established a Quality Improvement (QI) team on September 14, 2017. All members of the Radioactive Materials Branch (the Branch) serve as QI team members and meet weekly to identify program weaknesses, determine root causes, and recommend improvements using continuous quality improvement methods for all IMPEP performance indicators. The QI Team has taken several actions to address deficiencies, including performing a root cause analysis of program weaknesses and proposing corrective actions.

#### Guidance and/or Procedures Reviewed

The Division reviewed the regulatory requirements for training of all Radiation Safety Officers (RSOs) authorized on medical use radioactive material licenses. The Division will ensure that RSOs will be qualified according to Mississippi State Regulations under Rule 1.7.19. This includes written attestation signed by a preceptor RSO that indicates the individual has satisfactorily completed the requirements in Rule 1.7.19. The Division will also ensure that an RSO has training in radiation safety, regulatory issues, and emergency procedures for the types of use for which a licensee seeks approval.

The Division issued a letter to all medical licensees with RSOs added to the license on or after 2012 (year of adoption of current state regulations) explaining the requirements and enclosed a Radiation Safety Officer Training and Experience and Preceptor Attestation form. Currently, 116 out of 118 RSOs have submitted the required documentation of training. The Division expects to receive documentation from the final two RSOs by mid-December.

The Division reviewed licenses and procedures to ensure that a specific Part 37 condition is included in the initial license and/or amendment until such time of adoption of 10 CFR Part 37 into Mississippi regulations. All licensees who possess radioactive material meeting the threshold for the International Atomic Energy Agency's (IAEA) Code of Conduct for Category 1, Category 2, or quantities of radioactive material aggregated using the "sum of fractions" methodology that meet or exceed the threshold for a Category 2 quantity of radioactive material will be licensed according to Table 1, 10 CFR Part 37, Appendix A.

#### Guidance and/or Procedures Modified

Until such time of adoption of 10 CFR Part 37 into Mississippi regulations (current timeline February 2018), all Agreement Letters for Reciprocity will be issued with a specific Part 37 condition if the company is licensed for radioactive material meeting the threshold for IAEA's Code of Conduct for Category 1, Category 2, or quantities of radioactive material aggregated using the "sum of fractions" methodology that meet or exceed the threshold for a Category 2 quantity of radioactive material as defined in Table 1, 10 CFR Part 37, Appendix A. All active Agreement Letters for Reciprocity that are currently issued have been reviewed, and, if necessary, reissued with a specific Part 37 condition.

Procedures have been modified to ensure all allegations will be investigated to determine whether they are substantiated or unsubstantiated. All allegations will be documented and filed in the allegation file for each year. Allegations will be investigated and closed out with the

allegor according to interim Division of Radiological Health Allegations Policy/Procedure. An improved allegation policy, which is under development, should be completed within the next quarter.

#### Training Provided to Program Staff

All Radioactive Material Branch staff have been trained on the use of licensing checklists to include review of 10 CFR Part 37 licensing requirements. All Radioactive Material Branch staff have been trained on the updated Part 37 licensing requirements based off Table 1, 10 CFR Part 37, Appendix A which includes the threshold for IAEA's Code of Conduct for Category 1, Category 2, or quantities of radioactive material aggregated using the "sum of fractions" methodology that meet or exceed the threshold for a Category 2 quantity of radioactive material.

All Radioactive Material Branch staff have been trained on the licensing requirements, and regulation in Rule 1.7.19 for RSOs authorized under a medical use license. Licensing checklists have also been amended to include review of RSO training requirements under Rule 1.7.19.

All Radioactive Materials Branch staff have been trained on the policy and procedure for reporting nuclear material events in Agreement states to include the reporting requirements in Appendix A of SA-300, 10 CFR 30.50, and reporting requirements in the Mississippi State Department of Health Regulations. 100 percent of incidents are documented, filed, and reported to the NRC according to Appendix A of SA-300, 10 CFR 30.50, and reporting requirements in the Mississippi State Department of Health Regulations. Since the IMPEP review, Mississippi has reported three incidents involving licensed material to the NRC in a timely manner, including one incident involving a fixed gauge stuck shutter.

#### Status of Other Indicators

The IMPEP review team identified that some regulation amendments were not adopted by Mississippi within the designated three-year adoption period. To ensure future compliance with NRC compatibility requirements, the Department will submit a request to adopt applicable NRC regulations by reference to the Mississippi Radiation Advisory Council for review, comment, and approval in November 2017, thereby streamlining Mississippi's timely adoption of future NRC regulations. Further, Mississippi's use of adopting NRC regulations by reference ensures compatibility with 10 CFR Part 37 and improves the Division's ability to properly enforce these regulations in the future. The Division plans to seek regulation compatibility review and approval from the NRC in November 2017. The proposed changes will be filed for public comment with the Mississippi Secretary of State and an oral proceeding will be held. Any public comments will be provided to the Mississippi State Board of Health during its meeting on January 10, 2018. If approved, the regulations will be part of the Mississippi Administrative Code on or about February 10, 2018.

#### Changes to Other Processes as a Result of the IMPEP Review

The QI team is reviewing staff retention and career ladder promotions. The QI team also made improvements to ensure tracking of training was made open, transparent, and visual by listing staff training accomplishments and needs on an office white board.

Program/Staff Changes/External Inputs/Budget

A new staff member was hired and started working with the program in May 2017.

There have been no changes to the budget since the last IMPEP review. The program is fully funded by fees charged to its licensees.

The next monitoring call is scheduled for February 14, 2018. The periodic meeting directed by the MRB to occur in approximately one year is scheduled for April 25, 2018.

SUBJECT: Mississippi Quarterly Monitoring Call Summary November 1, 2017

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