



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

September 26, 2022

The Honorable Tate Reeves
Office of the Governor of Mississippi
550 High Street, Suite 1900
Post Office Box 139
Jackson, MS 39205

Dear Governor Reeves:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am writing to bring your attention to significant concerns that were identified during a recent evaluation of the Mississippi Agreement State Program, administered by the Mississippi Department of Health. This program is responsible for the safe and secure use of radioactive material in the State of Mississippi. These concerns were initially shared with your office in a letter dated March 21, 2022, (Agencywide Documents Access and Management System Accession No. [ML22077A097](#)). I am requesting your support for the program's efforts to address these concerns.

On July 1, 1962, the State of Mississippi entered into an Agreement with the NRC pursuant to section 274b of the Atomic Energy Act of 1954, as amended. Under this Agreement, the State of Mississippi committed to establish a radiation control program that is adequate to protect the health and safety of Mississippi citizens from the potential hazards associated with the use of radioactive materials and is compatible with the NRC's regulatory program. The NRC retains the authority and responsibility for ensuring that Agreement State programs continue to provide adequate protection of public health and safety, and that they are compatible with the NRC's program for regulating radioactive materials.

The most recent Integrated Materials Performance Evaluation Program review of the Mississippi Agreement State Program found program weaknesses related to the adequacy and compatibility of your Agreement State Program ([ML22178A114](#)). The identified weaknesses were of such safety significance that assurance of the Mississippi Agreement State Program's ability to protect public health and safety was degraded. The Commission has determined that while making the necessary corrections, the Mississippi Agreement State Program would benefit from increased NRC oversight. The Commission is, therefore, placing the Mississippi Agreement State Program on Probation. Staff from the Mississippi radiation control program have been involved in the discussions leading to this decision.

Because the NRC did not identify an immediate threat to public health and safety, Probation allows the NRC to remain closely involved with the Mississippi Program as it implements corrective actions and improves performance. Probation only involves the 274b Agreement between the NRC and the State of Mississippi involving the use of radioactive materials by medical, industrial, and academic facilities. Our decision for Probation does not involve other State responsibilities pertaining to emergency preparedness at commercial nuclear power plants or the construction and operation of nuclear power plants.

On August 10, 2022, the Mississippi Agreement State Program submitted a Program Improvement Plan to the NRC describing specific corrective actions to be taken to address the identified weaknesses ([ML22237A185](#)). This Program Improvement Plan identifies specific and measurable corrective actions and timetables for completing these actions. On August 16, 2022, the NRC issued a letter approving the State's plan ([ML22201A519](#)). In addition to implementing a Program Improvement Plan, the Mississippi Program will be required to submit written progress updates and conduct monthly conference calls with NRC.

The NRC is committed to working with your staff throughout the probationary period to improve program performance. Monthly meetings between the NRC and Mississippi Agreement State Program will track the status of corrective actions identified in the Program Improvement Plan. In addition, several Agreement States and the Organization of Agreement States have offered to assist Mississippi.

The NRC will issue a Press Release and a notice in the *Federal Register* regarding the decision to place the Mississippi Agreement State Program on Probation and will inform Members of Mississippi's Congressional delegations and NRC's Congressional oversight committees.

The NRC will also be evaluating the State's progress in addressing the program weaknesses in a formal review in February 2023. Depending on the progress of the Mississippi Agreement State Program in meeting the commitments in the Program Improvement Plan and demonstration of significant and sustained improvements in program performance, the Management Review Board Chair will make a recommendation to the Commission on the probationary status.

Let me assure you that the Commission is ready to assist the State of Mississippi in improving the Agreement State Program. If you have any questions, please contact John W. Lubinski, Director, Office of Nuclear Material Safety and Safeguards of my staff, at John.Lubinski@NRC.gov or 301-415-0595.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher T. Hanson". The signature is fluid and cursive, with a large initial "C" and a distinct "H".

Christopher T. Hanson

cc: Daniel P. Edney, Mississippi State
Department of Health