POLICY ISSUE
(Notation Vote)

March 31, 2006 SECY-06-0075

FOR: The Commissioners

FROM: Luis A. Reyes
Executive Director for Operations /RA/

SUBJECT: TRANSFER OF MISSISSIPPI TO NRC REGION IV

PURPOSE:

To request Commission approval to consolidate all interactions with the State of Mississippi to Region IV.

BACKGROUND:

The State of Mississippi became an Agreement State on May 28, 1962 (27 FR 107), and was under the oversight of the U.S. Atomic Energy Commission, now U.S. Nuclear Regulatory Commission (NRC). In a Staff Requirements Memorandum (SRM) for SECY-95-175 dated August 10, 1995, the Commission approved transfer of regional oversight responsibilities for the Grand Gulf Nuclear Station from Region II to Region IV. In the SRM for SECY-03-0003 dated February 26, 2003, the Commission approved combining the radioactive materials programs of Region I and Region II in Region I to maximize the efficiency of NRC staff and resources. This realignment transferred the NRC regional workload associated with the Mississippi Agreement State program to the NRC Region I office.

DISCUSSION:

Mississippi is an Agreement State and regulates approximately 315 specific radioactive materials licensees. Currently, the NRC Region I office located in King of Prussia, Pennsylvania, is responsible for regulating five NRC radioactive material licensees in the State of Mississippi. While the oversight of radioactive material licensees in Mississippi is implemented by Region I staff, the Grand Gulf Nuclear Station is located in Vicksburg,

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Mississippi, is regulated by Region IV. Further, due to the current regional layout, Region II maintains some State Liaison and transportation accident responsibilities as well as contact with the Federal Emergency Management Agency (FEMA) for some activities.

Currently, the Director of the radiation control program in Mississippi must maintain contact with the Region I office for radioactive materials licenses, with the Region IV office for reactor related matters, and with Region II for transportation accidents and for some FEMA activities. This arrangement unnecessarily complicates interactions between the State and NRC. Consolidation of all Agency activities with Mississippi in Region IV would make interactions between the NRC and the State substantially more efficient and effective.

There are five NRC radioactive materials licenses located in the State of Mississippi (e.g., U. S. Army, Southern Mississippi Univ., Entergy Operations, Inc.). The work involved in the radioactive materials program would add only minor additional cost or time to Region IV and is an inconsequential loss of workload for Region I. In addition, Region IV, under a letter of agreement with the Department of the Interior, has the responsibility for all off-shore inspections in the Gulf of Mexico.

The State's Director of the Department of Health, Division of Radiological Health, verbally requested during a recent Integrated Materials Performance Evaluation Program Review, that the NRC consider consolidating agency oversight of both radioactive materials and nuclear power activities into the Region IV office located in Arlington, Texas.

Currently, the two Regional State Agreements Officers (RSAOs) in Region IV have oversight of 15 Agreement States' programs with 16 agencies (the State of Texas has two separate programs). The two RSAOs in Region I are responsible for 14 Agreement States with 17 different agencies (the State of New York has four separate programs). The transfer of the Mississippi program to Region IV will not substantially increase the workloads for the two RSAOs in Region IV.

The Mississippi radiation control program office is located in Jackson, Mississippi, which is closer to Region IV than Region I. By having a regional office closer to the State program offices, travel time will be decreased, and there should also be savings in travel costs, if travel is needed. This savings is not expected to be substantial. Additionally, Region IV and Mississippi are both in the Central Time zone; whereas, the Region I office is in the Eastern Time zone. This should make communications more efficient.

The recent response to Hurricanes Katrina and Rita involved NRC staff from both Regions I and IV. Communications and assistance to these States may have been easier to implement with only one NRC lead office. Also, with the recent natural disasters that have occurred on the Gulf coast, the area has received assistance from Region IV, which resulted in forming closer relationships with nearby States. Region IV was in continuous contact with the three involved States, providing a single point of contact which facilitated communications with the State which helped to further improve communications with Mississippi. Also, from Department of Homeland Security's (DHS) perspective, the transfer of the NRC's oversight of Mississippi's agreement state program to NRC Region IV is acceptable if the primary intent is to align this oversight responsibility to the already existing NRC Region IV oversight of the nuclear reactor in Mississippi.

The approval of this request and previously approved changes affect the geographical

boundaries of NRC regional office responsibilities. Title 10 Code of Federal Regulations will need to be changed to correctly reflect these changes, particularly in several Parts where the NRC regional office locations are specifically listed. Maps identifying NRC regional boundaries will also need to be revised accordingly.

RESOURCES:

No additional funding is needed.

COMMITMENTS:

Upon Commission approval, the staff will proceed with rulemaking as required to permanently move regulatory responsibility for the State of Mississippi to Region IV. Should the Commission choose not to move Mississippi to Region IV, the staff will review the existing polices and procedures and make the necessary changes to facilitate a more effective and efficient working relationship between the State of Mississippi and the NRC.

RECOMMENDATION:

Staff recommends that the Commission approve the formal transfer of Mississippi to Region IV.

COORDINATION:

The Office of the General Counsel has no legal objection to this paper. The Office of the Chief Financial Officer has reviewed this Commission paper for resource implications and has no objection.

/RA/

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Executive Director
for Operations

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