

**NUCLEAR REGULATORY COMMISSION**

[NRC-2012-XXXX]

**Placement of the Georgia Agreement State Program on Probation**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of the Georgia Agreement State Program Being Placed on Probation.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is announcing the placement of the Georgia Agreement State Program (Georgia Program) for the regulation of certain Atomic Energy Act materials on Probation and further increasing the NRC oversight of the Georgia Program, as well as overseeing implementation of a "Program Improvement Plan" developed by the staff of the Georgia Program. Once the Georgia Program has met the commitments made in the "Program Improvement Plan," and has demonstrated significant improvements in program performance, the probationary status will be lifted. There will be further announcements of that action.

**FOR FURTHER INFORMATION CONTACT:** Lisa Dimmick, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone 301-415-0694, e-mail: [Lisa.Dimmick@nrc.gov](mailto:Lisa.Dimmick@nrc.gov).

## **SUPPLEMENTARY INFORMATION:**

Under Section 274 of the Atomic Energy Act, as amended, the Commission retains the authority and the responsibility to assure that Agreement State programs continue to provide adequate protection of public health and safety, and to be compatible with the NRC's program with respect to the regulation of the materials and uses authorized under the Agreement. Agreement States are States which have assumed regulatory authority from the NRC over the possession and use of certain radioactive materials. The Commission Policy Statement, "Statement of Principles and Policy for the Agreement State Program," established the option of placing an Agreement State radiation control program on Probation for program weaknesses that require increased NRC oversight.

Section 274j. of the Atomic Energy Act of 1954, as amended, requires that the NRC periodically review each Agreement State to ensure Agreement States are adequate and compatible. It is the policy of the NRC to evaluate the NRC regional materials programs and Agreement State radiation control programs in an integrated manner, using common and non-common performance indicators, to ensure that public health and safety is being adequately protected. The periodic review process for Agreement State and NRC regional radioactive materials programs is called the Integrated Materials Performance Evaluation Program (IMPEP).

The Management Review Board (MRB), in a public meeting, makes the overall assessment of each NRC regional materials and Agreement State program. Information considered by the MRB includes the proposed final IMPEP report which presents suggested performance indicator ratings and recommendations prepared by the IMPEP review team, and information provided by the region or State at the MRB meeting. For most IMPEP reviews, no action other than issuance of the final IMPEP report is needed. For those infrequent reviews

where additional action is needed, the MRB may consider Monitoring, Heightened Oversight, and recommendations for Probation, Suspension, or Termination. The most significant actions, Probation, Suspension, or Termination, require Commission approval.

Overall, the MRB found the Georgia Program adequate to protect public health and safety, but needs improvement, and compatible with the NRC's program. The MRB found the Georgia Program performance unsatisfactory for two performance indicators: Technical Quality of Inspections, and Technical Quality of Incident and Allegation Activities. The Georgia Program was found satisfactory, but needs improvement, for three performance indicators: Technical Staffing and Training, Status of Materials Inspection Program, and Technical Quality of Licensing Actions. The indicators, Compatibility Requirements and Sealed Source and Device Evaluation were found satisfactory. The MRB recommended that the Georgia Program be placed on Probation due to the significant performance issues identified. The Commission considered the performance of the Georgia Program and agreed that the Georgia Program should be placed on Probation.

In cases where program weaknesses exist regarding the adequacy or compatibility of an Agreement State's program yet the weaknesses are not so serious as to find the program inadequate to protect public health and safety, one of the options available to ensure continued protection of public health and safety, is to place the Agreement State program on Probation. The probationary period is approximately one year. The Georgia Agreement State Program's progress in addressing the program weaknesses will be evaluated in January 2014 by an IMPEP review team. Once the MRB determines that the Agreement State has met the commitments in the "Program Improvement Plan" and has demonstrated significant improvements in program performance, a recommendation will be made to the Commission that the probationary status be lifted.

Upon Commission approval, the probationary status will be lifted. Notification of discontinuance of Probation will be made to the Governor of Georgia, the Georgia Congressional delegation, and all other Agreement and Non-Agreement States. The NRC will also publish a *Federal Register* Notice and a press release announcing the discontinuance of Probation for the Georgia Program.

Dated at Rockville, Maryland, this **XX** day of **xx**, 2013.

For the Nuclear Regulatory Commission.

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Division of Materials Safety and State Agreements,  
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and Environmental Management Programs.