

August 1, 2013

The Honorable Nathan Deal
203 State Capitol
Atlanta, GA 30334

Dear Governor Deal:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I bring to your attention significant concerns that were identified during a recent evaluation of the Georgia Agreement State Program. This is the program responsible for ensuring the safe and secure use of radioactive material in Georgia. I am requesting your support for the program's efforts to address these concerns.

On December 15, 1969, the State of Georgia entered into an Agreement with the NRC pursuant to section 274b. of the Atomic Energy Act, as amended. Under this agreement, the State of Georgia committed to establish a radiation control program that is adequate and compatible to protect the health and safety of Georgia citizens from the potential hazards associated with the use of certain radioactive materials. 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 review of the Georgia Agreement State Program found program weaknesses related to the adequacy of your Agreement State program. The identified weaknesses were of such safety significance that assurance of the Georgia Agreement State Program's ability to protect public health and safety was degraded. The Commission has determined that while making the necessary corrections, the Georgia Program would benefit from increased NRC oversight. The Commission is, therefore, placing the Georgia Agreement State Program on Probation. Staff from the Radioactive Materials Program within the Georgia Environmental Protection Division have been involved in the discussions leading to this decision.

The weaknesses identified in the Georgia Agreement State Program do not immediately threaten public health and safety. Probation is appropriate because it allows the NRC to remain closely involved with the Georgia Program managers as they implement improvements. Probation only involves the Agreement between the NRC and the State of Georgia 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.

The Georgia Agreement State Program staff has provided the NRC staff a "Program Improvement Plan" describing actions to be taken to address the identified weaknesses. The NRC staff will work with your staff throughout the probationary period. The State's progress in addressing the program weaknesses will be evaluated in a formal review in January 2014. Once the Commission determines that the commitments in the "Program Improvement Plan" have been met and that the Georgia Agreement State Program has demonstrated significant and sustainable improvements in program performance, the probationary status could be lifted.

I have received your request, dated June 5, 2013, to relinquish Georgia's authority to evaluate and approve sealed source and device applications from Georgia licensees. I understand your desire to focus attention on the core areas of the Georgia Agreement State Program. The Commission will act on your request shortly.

Let me assure you that the Commission is ready to assist Georgia in improving the Agreement State program. I will be happy to answer any questions you may have, or your staff may contact Brian Holian, Deputy Director, Office of Federal and State Materials and Environmental Management Programs, at 301-415-7231.

Sincerely,

/RA/

Allison M. Macfarlane