

NUCLEAR REGULATORY COMMISSION

[NRC-2013-XXXX]

**State of Georgia Relinquishment of Sealed Source
and Device Evaluation and Approval Authority**

AGENCY: Nuclear Regulatory Commission.

ACTION: Relinquishment of the State of Georgia's regulatory authority and reassertion of U.S. Nuclear Regulatory Commission authority.

SUMMARY: Notice is hereby given that effective August XX, 2013, the U.S. Nuclear Regulatory Commission (NRC) has assumed regulatory authority to evaluate and approve sealed source and device (SS&D) applications in the State of Georgia and approved the Governor of the State of Georgia's request to relinquish this authority.

DATES: The NRC has assumed regulatory authority for evaluating and approving SS&D applications on August XX, 2013.

ADDRESSES: Please refer to Docket ID NRC-20YY-XXXX when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and is publicly available, using any of the following methods:

Enclosure

- **Federal Rulemaking Web site:** Go to <http://www.regulations.gov> and search for Docket ID NRC-2013-XXXX. Address questions about NRC dockets to Carol Gallagher; telephone: 301-287-3422; e-mail: Carol.Gallagher@nrc.gov. For technical questions, contact the individual(s) listed in the FOR FURTHER INFORMATION CONTACT section of this document.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may access publicly available documents online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "[ADAMS Public Documents](#)" and then select "[Begin Web-based ADAMS Search](#)." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdr.resource@nrc.gov. The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.

- **NRC's PDR:** You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852.

FOR FURTHER INFORMATION CONTACT: Stephen Poy, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-7135; e-mail: Stephen.Poy@nrc.gov.

SUPPLEMENTARY INFORMATION:

Section 274b. of the Atomic Energy Act of 1954, as amended (AEA) provides the NRC authority to enter into agreements with States so they can assume, and the NRC can relinquish regulatory authority over, specified AEA radioactive materials and activities. On December 15, 1969, Georgia entered into a Section 274b. Agreement with the Atomic Energy Commission (the predecessor regulatory agency to the NRC) to regulate source, byproduct, and special nuclear material in quantities not sufficient to form a critical mass.

Currently, the State of Georgia has an Agreement with the NRC which recognizes the State's regulatory authority to evaluate and approve SS&D applications.

On June 5, 2013, the NRC received a letter from Georgia Governor Nathan Deal (ADAMS Accession No. ML13165A092) requesting to relinquish the State's regulatory authority to evaluate and approve SS&D applications, and asking for the NRC to assume regulatory authority over this program.

The Governor of Georgia stated that it has become increasingly challenging for Georgia to recruit and retain the personnel necessary to perform the specialized SS&D activities, and concluded that it is in the best interest of the State to return regulatory authority to evaluate and approve SS&D applications to the NRC in order to focus more attention and resources on the primary areas of the State's radioactive materials program. The State of Georgia currently has 25 manufacturers with 77 active SS&D sheets in the national registry.

The Commission approved the request and has notified the State of Georgia that effective August XX, 2013, the NRC has assumed authority to evaluate and approve SS&D applications within the State (ADAMS Accession No. ML13164A202).

The State of Georgia will retain authority to regulate the manufacture and use of SS&D's within the State in accordance with its Section 274b. Agreement with the NRC.

Dated at Rockville, Maryland this _____ day of _____, 2013.

For the Nuclear Regulatory Commission.

Mark A. Satorius, Director
Office of Federal and State Materials
and Environmental Management Programs