

August 25, 2014

MEMORANDUM TO: Mark A. Satorius
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS – SECY-14-0074 – DISCONTINUANCE
OF THE PROBATION PERIOD FOR THE GEORGIA
AGREEMENT STATE PROGRAM

The Commission has approved the staff's recommendation to discontinue the probation period for the Georgia Agreement State Program and publish the attached *Federal Register* Notice, subject to the changes noted in the attachment.

The staff should continue to ensure that public health and safety remain paramount through the implementation of the IMPEP process and keep the Commission informed of any lapses in commitments by the state to address any remaining performance issues.

The staff should consider adjustments to the IMPEP process to highlight difficulties to State leaders earlier and more effectively.

Attachment: [Changes to the *Federal Register* notice](#)

cc: Chairman Macfarlane
Commissioner Svinicki
Commissioner Magwood
Commissioner Ostendorff
OGC
CFO
OCA
OPA
Office Directors, Regions, ACRS, ASLBP (via E-Mail)
PDR

**SECY NOTE: THIS STAFF REQUIREMENTS MEMORANDUM WILL BE RELEASED TO
THE PUBLIC 5 WORKING DAYS AFTER DISPATCH OF THE LETTER TO
THE GOVERNOR**

U.S. NUCLEAR REGULATORY COMMISSION

[NRC-20]

**Discontinuance of Probation for the Georgia Agreement
State Program**

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of the discontinuance of the Probation period for the Georgia Agreement State Program.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is announcing the discontinuation of the Probation period for the Georgia Agreement State Program (Georgia Program).

ADDRESSES: Please refer to Docket ID **NRC-2014-XXXX**] when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this action by the following methods:

- **Federal Rulemaking Web site:** Go to <http://www.regulations.gov> and search for Docket ID **NRC-2014-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:** Michelle Beardsley, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Region I, King of Prussia, PA, telephone: 610-337-6942, e-mail: Michelle.Beardsley@nrc.gov.

SUPPLEMENTARY INFORMATION:

Section 274b. of the Atomic Energy Act of 1954, as amended, provides the statutory basis by which the NRC relinquishes, by agreement with a State, portions of its regulatory authority to license and regulate byproduct materials, source materials, and quantities of special nuclear materials under critical mass, when the NRC determines ~~it is determined~~ that the State program ~~is~~ has an adequate **radiation control** program to protect public health and safety, **which** ~~and~~ is compatible with the NRC’s program. Through the Agreement State program, 37 States have signed formal agreements with the NRC.

Section 274j. of the Atomic Energy Act of 1954, as amended, requires that the NRC periodically review each Agreement State to ensure each State’s regulatory programs ~~are~~ **is** adequate to protect public health and safety and compatible with the NRC’s regulatory program. The NRC ~~evaluates~~ **reviews** Agreement State radiation control programs, using performance

indicators, to ensure that public health and safety is being adequately protected. The periodic review process for Agreement State programs is called the Integrated Materials Performance Evaluation Program (IMPEP).

A Management Review Board (MRB) composed of senior NRC managers (with an Agreement State liaison attending) makes the final determination of adequacy for each Agreement State. The MRB holds a public meeting and makes the overall assessment of the Agreement State program. The MRB considers information such as the proposed final IMPEP report, which presents suggested performance indicator ratings and recommendations prepared by the IMPEP review team, the State response to the IMPEP report, and information provided by the State during the MRB meeting. For most IMPEP reviews, no action other than issuance of the final IMPEP report is **required** needed. For those infrequent reviews where additional action is **warranted** 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.

[start new ¶] In 2008, the MRB placed the Georgia Program under a condition of Monitoring due to the results of the 2008 Georgia Program IMPEP review. In 2013, **based on a 2012 IMPEP review**, the Commission placed the Georgia Program on Probation due to an overall programmatic decline in performance.

After the most recent review in 2014, the MRB found the overall Georgia Program adequate to protect public health and safety, but needs improvement and compatible with the NRC program requirements. The MRB found that the Georgia Program performance improved overall since the 2012 review and closed several recommendations from the 2012 report. As a result of the State's improvement, the MRB recommended **to the Commission** that the Georgia Program be placed on **H**Heightened **e**Oversight and removed from Probation. The Commission

agreed that the Georgia Program should be removed from Probation. (A copy of the 2014 IMPEP review can be found in ADAMS ML14121A618). The NRC has issued a Notification of discontinuance of the Probation period ~~has been made~~ to the Governor of Georgia, the Georgia Congressional delegation, and all other Agreement and Non-Agreement States.

Dated at Rockville, Maryland, this day of, 2014.

For the U.S. Nuclear Regulatory Commission.

Brian E. Holian, Acting Director
Office of Federal and State Materials
and Environmental Management Programs