

July 9, 2013

MEMORANDUM TO: R. W. Borchardt
Executive Director for Operations

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

SUBJECT: STAFF REQUIREMENTS – SECY-13-0051 – MANAGEMENT
REVIEW BOARD RECOMMENDATION FOR PROBATION OF
THE GEORGIA AGREEMENT STATE PROGRAM

The Commission has approved the staff's recommendation to place the Georgia Agreement State Program on probation. The staff should make the attached edits to the *Federal Register* Notice and the letter.

The staff should quickly report to the Commission if at any time during this probation period the State is not making progress to improve and sustain its program.

The staff should continue to enhance the Agreement State program as necessary even if a wholesale change is not warranted. The staff should continue to keep the Commission informed of its assessment of the IMPEP and any changes the staff determines are necessary to ensure appropriate oversight of Agreement State programs.

Attachment: Changes to the *Federal Register* notice and letter in SECY-13-0051

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

SECY Note: This SRM will be released to the public 5 working days after dispatch of the letter to the Governor.

Changes to the *Federal Register* notice and the letter in SECY-13-0051

Changes to the *Federal Register* notice

1. On page 1, "SUMMARY" paragraph, revise line 3 to read ' ... probation and a further increasing in the NRC' Revise line 4 to read ' ... Program, as well as including oversight overseeing'
2. On page 1, "SUMMARY" paragraph, revise line 6 to read ' ... significant and sustainable improvements' Revise line 7 to read ' ... status will ~~will~~ could be lifted. There will be further announcements of ~~that~~ such'
3. On page 2, 1st paragraph, revise line 5 to read ' ... States ~~which~~ that have'
4. On page 2, 1st paragraph, delete the last sentence (The Commission Policy ... NRC oversight.)
5. On page 2, 2nd paragraph, revise line 2 to read ' ... State's regulatory programs are'
6. On page 2, 2nd paragraph, revise line 3 to read ' ... compatible. ~~It is the policy of the NRC to evaluate~~ the NRC regional materials programs and'
7. On page 2, 2nd paragraph, revise line 4 to read ' ... programs in an integrated manner, using'
8. On page 2, 2nd paragraph, revise lines 4 and 5 to read ' ... using ~~common and non-common~~ performance'
9. On page 2, 2nd paragraph, revise lines 6 and 7 to read ' ... State and NRC regional ~~radioactive materials~~ programs is called'
10. On page 2, last paragraph, revise line 2 to read ' ... assessment of ~~each NRC regional materials and~~ the Agreement'
11. On page 2, last paragraph, revise line 3 to read ' ... IMPEP report, which'
12. On page 2, last paragraph, revise line 5 to read ' ... provided by the ~~region or~~ State'
13. On page 3, insert a new sentence at the end of line 3 as follows: **In 2008, the MRB placed the Georgia Program under a condition of Monitoring due to the results of the 2008 Georgia Program IMPEP.**
14. On page 3, 1st full paragraph, revise lines 1 and 2 to read '~~Overall~~ **After the most recent review, the MRB found the overall Georgia Program compatible with the NRC's program and** adequate to protect public health and safety, but needs improvement, ~~and compatible with the NRC's program.~~ The MRB'
15. On page 3, 1st full paragraph, revise lines 9 and 10 to read ' ... Commission ~~considered the performance of the Georgia Program and~~ agreed'

16. On page 3, last paragraph, delete the 1st sentence (In cases where ... on Probation.)
17. On page 3, last paragraph, delete the sentence in line 5 (The probationary period is approximately one year.)
18. On page 3, last paragraph, revise lines 8 and 9 to read ' ... significant **and sustainable** improvements'
19. On page 4, 1st paragraph, delete the 1st sentence (Upon Commission ... be lifted.)
20. On page 4, 1st paragraph, revise line 2 to read ' ... Probation **would** ~~will~~ be'
21. On page 4, 1st paragraph, revise line 3 to read ' ... NRC ~~will~~ **would**'
22. On page 4, 1st paragraph, revise line 5 to read ' ... Georgia Program, **if approved by the Commission.**'

Changes to the Letter

23. On page 1, 1st paragraph, revise line 1 to read ' ... I ~~am writing to~~ bring'
24. On page 1, 1st paragraph, revise line 3 to read ' ... State Program. **This is the program responsible for ensuring** ~~in overseeing~~ the safe'
25. On page 1, 2nd paragraph, revise line 5 to read ' ... use of **certain** radioactive'
26. On page 1, 3rd paragraph, revise line 2 to read ' ... adequacy **of** your'
27. On page 1, 3rd paragraph, revise lines 4 and 5 to read ' ... degraded ~~and increased oversight by the NRC is required to confirm program improvements.~~ The'
28. On page 1, 3rd paragraph, revise line 5 to read ' ... Commission has ~~further~~'
29. On page 1, 3rd paragraph, revise line 6 to read ' ... Georgia **P**rogram would'
30. On page 1, 3rd paragraph, revise line 8 to read ' ... Probation. Staff from ~~your~~ **the radiation control Radioactive Materials p**rogram **within the Georgia Environmental Protection Division have** ~~has~~ been'
31. On page 1, 4th paragraph, capitalize "Program" in lines 1 and 3.
32. On page 1, 4th paragraph, revise line 3 to read ' ... with **the** Georgia'
33. On page 1, 4th paragraph, revise lines 5 through 7 to read '~~It is not expected that our~~ **Our** decision for Probation **does not** ~~would impact~~ **involve** other'
34. On page 1, 5th paragraph, revise line 1 to read ' ... staff has ~~already~~ provided'

35. On page 1, 5th paragraph, revise line 3 to read ‘ ... weaknesses, ~~including specific goals and timetables.~~ The’
36. On page 2, revise line 2 from the top to read ‘ ... significant **and sustainable** improvements’
37. On page 2, revise line 3 from the top to read ‘ ... status ~~will~~ **could** be’
38. On page 2, last paragraph, move the phone number up to the end of the last line.
39. The following additional language should be included in the letter: “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.”