

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

August 25, 2014

COMMISSION VOTING RECORD

DECISION ITEM: SECY-14-0074

TITLE: DISCONTINUANCE OF THE PROBATION PERIOD FOR
THE GEORGIA AGREEMENT STATE PROGRAM

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of August 25, 2014.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.

Annette L. Vietti-Cook
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Macfarlane
Commissioner Svinicki
Commissioner Magwood
Commissioner Ostendorff
OGC
EDO
PDR

**SECY NOTE: THIS VOTING RECORD WILL BE RELEASED TO THE PUBLIC 5 WORKING
DAYS AFTER DISPATCH OF THE LETTER TO THE GOVERNOR**

VOTING SUMMARY - SECY-14-0074

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. MACFARLANE	X				X	8/20/14
COMR. SVINICKI	X				X	8/5/14
COMR. MAGWOOD	X				X	8/15/14
COMR. OSTENDORFF	X				X	8/7/14

NOTATION VOTE

RESPONSE SHEET

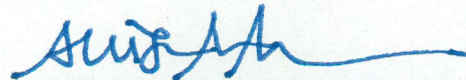
TO: Annette Vietti-Cook, Secretary
FROM: Chairman Allison M. Macfarlane
SUBJECT: SECY-14-0074 – DISCONTINUANCE OF THE
PROBATION PERIOD FOR THE GEORGIA
AGREEMENT STATE PROGRAM

Approved X Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below X Attached X None _____

I approve the staff's recommendation to discontinue the Probation period for the Georgia Agreement State program (Georgia Program). I also approve the *Federal Register* Notice (Enclosure 4) and staff's recommended letter to Governor Deal (Enclosure 5), subject to the attached edits. My approval is based on the Management Review Board's finding that actions taken by the Georgia Program to implement their Program Improvement Plan have resulted in significant performance improvements, the increased focus on the Program from senior-level State management, the firm commitment to making improvements made by the Georgia Program management, and the significant improvement in management and staff communications as noted by the Integrated Materials Performance Evaluation Program team review. I commend NRC staff on their concerted efforts to assist the Georgia Program during this period of Probation through various trainings, inspection accompaniments, and technical assistance.



SIGNATURE

8/20/2014

DATE

Entered on "STARS" Yes X No _____

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.

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- **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 program to protect public health and safety 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 adequate to protect public health and safety and compatible with the NRC's regulatory program. The NRC evaluates 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 ~~needed~~required. For those infrequent reviews where additional action is ~~needed~~warranted, 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. 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, 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 ~~heightened~~Heightened 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
nNotification 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

NOTATION VOTE

RESPONSE SHEET

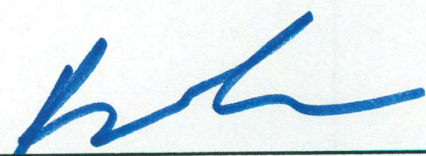
TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER SVINICKI
SUBJECT: SECY-14-0074 – DISCONTINUANCE OF THE PROBATION PERIOD FOR THE GEORGIA AGREEMENT STATE PROGRAM

Approved XX Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below XX Attached XX None _____

I approve the staff's recommendation that the Commission discontinue the probation period for the Georgia Agreement State program. It is my understanding that the Management Review Board and the review team conducting Georgia's most recent Integrated Materials Performance Evaluation Program (IMPEP) review concur in this view. These bodies agree that based on the State's significant progress in addressing previous recommendations, the noted improvement in staff and management communications, and the strong commitment from Georgia program management to continue to improve performance as evidenced by the actions taken since the last IMPEP review, the Program should be removed from probation and placed on Heightened Oversight. The draft *Federal Register* notice (Enclosure 4 to SECY-14-0074) should be published announcing this action after it is revised, as reflected in the attached edits.



SIGNATURE

08/ 5 /14

DATE

Entered on "STARS" Yes No _____

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 discontinuance 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:

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SUPPLEMENTARY INFORMATION:

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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 that the Georgia Program be placed on heightened 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). 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

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER MAGWOOD

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

Approved Disapproved Abstain

Not Participating

COMMENTS: Below Attached None

Patricia M. Bulbar for
SIGNATURE

Aug. 15, 2014
DATE

Entered on "STARS" Yes No

**Commissioner Magwood's Comments on
SECY-14-0074: "Discontinuance of the Probation Period for the
Georgia Agreement State Program"**

The difficulties experienced by the State of Georgia's Radioactive Materials Program that led to the Commission decision in 2013 to place the program on probation were of considerable concern. Several incidences highlighted a long decline in performance that eroded public confidence and the confidence of the NRC in the State's ability to conduct and maintain a successful program. While the steps taken by the NRC in Georgia's case were extraordinary, the general circumstances that led to them are not. Many States are experiencing difficulties in various aspects of their programs that, while not as concerning as what developed in Georgia, emanate from the general problem that many programs receive insufficient attention from State leadership or, at the very least, are implemented in a manner that belies the unique responsibilities of the Agreement State programs.

Once leadership in States engages more fully in the conduct of these programs, improvements can come swiftly. Georgia is such a case. Even before the NRC placed the Georgia program on probation, the concerns expressed by NRC inspectors prompted State Officials to make needed changes. Georgia deserves great credit for how effectively it dealt with lingering issues once the problems became apparent.

The staff's recent assessment, reflected in the IMPEP team's recommendation and the Management Review Board's assessment provide evidence of the very positive turn-around of Georgia's program and confidence that the changes can be sustained successfully. Moreover, I have met with the State officials who lead this program and am convinced that they have been able to identify and rectify the issues that led to the performance challenges of several years ago. I therefore approve the staff's recommendation to discontinue the probation period for the Georgia Agreement State Program. I also approve publication of the attached Federal Register Notice with the incorporation of the edits as shown and provide my thanks and congratulations to the State for its successful effort to put the program back on track.

Still, the State and the NRC staff recognize that work remains to be done and many commitments made during the recovery process must be kept. I commend the staff for identifying the issues in Georgia and bringing the probation recommendation to the Commission. Doing so was not an easy decision. The Staff also performed very well in working closely with the state over the past two years.

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

Finally, I note that it is unfortunate that Georgia's program had to reach such a nadir before its management challenges received the attention required to enable their remediation. I hope that other states do not follow this path. The staff should consider adjustments to the IMPEP process to highlight difficulties to State leaders earlier and more effectively.

Patrick M. Bulal for 8/15/14

William D. Magwood, IV Date

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).

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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 program to protect public health and safety and is compatible with the NRC's program. Through the Agreement State program, 37 States have signed formal agreements with the NRC.

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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

NOTATION VOTE

RESPONSE SHEET

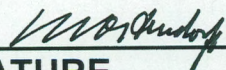
TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER OSTENDORFF
SUBJECT: SECY-14-0074 – DISCONTINUANCE OF THE
PROBATION PERIOD FOR THE GEORGIA
AGREEMENT STATE PROGRAM

Approved X Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below X Attached X None _____

The results of the 2014 Integrated Materials Performance Evaluation Program (IMPEP) review of the Georgia Agreement State Program (Georgia Program) provided clear indications that the Georgia Program has addressed many of the issues identified in the 2012 IMPEP review. This is a success story. I congratulate the NRC staff for effective oversight, and the Georgia Program for accomplishing so much in such a short time. I approve the staff's recommendation to discontinue the probation period for the Georgia Program. The staff has found that the Georgia Program is adequate to protect public health and safety, but it needs improvement. The staff has moved the Georgia Program to heightened oversight, a level of NRC oversight that I agree the Georgia Program needs to ensure continued progress in addressing all remaining recommendations. Additionally, I approve publication of the Federal Register Notice subject to the attached edits.



SIGNATURE

8/7/14

DATE

Entered on "STARS" Yes X No _____

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.

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Comment [TEB1]: Consider changing the name (not sure if this will be published before the merger occurs)

SUPPLEMENTARY INFORMATION:

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