

NUCLEAR REGULATORY COMMISSION

10 CFR Part 150

[NRC-2019-0114]

**State of Vermont: Discontinuance of Certain Commission Regulatory Authority
Within the State; Notice of Agreement Between the NRC and the State of Vermont**

AGENCY: Nuclear Regulatory Commission.

ACTION: Final State agreement.

SUMMARY: This notice is announcing that on September XX, 2019, Kristine L. Svinicki, Chairman of the U.S. Nuclear Regulatory Commission (NRC or Commission), and on September XX, 2019, Governor Philip B. Scott of the State of Vermont, signed an Agreement as authorized by Section 274b. of the Atomic Energy Act of 1954, as amended (the Act). Under the Agreement, the Commission discontinues its regulatory authority, and the State of Vermont assumes regulatory authority over 11e.(1), 11e.(3), and 11e.(4) byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass. As of the effective date of the Agreement, a person in Vermont possessing these materials is exempt from certain Commission regulations. The exemptions have been previously published in the *Federal Register* (FR) and are codified in the Commission's regulations. The Agreement is published here as required by Section 274e. of the Act.

DATES: The effective date of the Agreement is September 30, 2019.

ADDRESSES: Please refer to Docket ID **NRC-2019-0114** when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- **Federal Rulemaking Web Site:** Go to <https://www.regulations.gov/> and search for Docket ID **NRC-2019-0114**. Address questions about docket IDs in [Regulations.gov](https://www.regulations.gov/) to Jennifer Borges; telephone: 301-287-9127; e-mail: Jennifer.Borges@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly available documents online in the ADAMS Public Document collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "[Begin Web-based ADAMS Search](#)". For problems with ADAMS, contact the NRC's PDR reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdr.resource@nrc.gov. The ADAMS Accession numbers for the request for an Agreement by the Governor of Vermont, including all information and documentation submitted in support of the request, and the NRC staff assessment are: ML19109A085, ML19107A432, ML19114A092, ML19140A393, ML19102A130, ML19161A133, and **ML19XXXXXXX (final SECY)**, includes final staff assessment).

- **NRC's Public Document Room (PDR):** The public 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: Duncan White, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2598; e-mail: Duncan.White@nrc.gov.

SUPPLEMENTARY INFORMATION:

The NRC published the proposed Agreement in the *Federal Register* for comment once each week for 4 consecutive weeks on June 25, 2019 (84 FR 29811), July 2, 2019 (84 FR 31518), July 9, 2019 (84 FR 32657), and July 16, 2019 (84 FR

33864), as required by the Act. The comment period ended on July 25, 2019. One comment was received supporting the Agreement. The NRC staff determined that the Vermont Agreement State program is adequate to protect the public health and safety and compatible with the NRC's program. The Vermont Agreement is consistent with Commission policy and thus meets the criteria for an Agreement with the Commission.

After considering the request for an Agreement by the Governor of Vermont, the supporting documentation submitted with the request for an Agreement, and its interactions with the staff of the Vermont Department of Health, the NRC staff completed an assessment of the Vermont program. The agency made a copy of the staff assessment available in the NRC's PDR and electronically on the NRC's Web site. Based on the staff's assessment, the Commission determined on September XX, 2019, that the Vermont program for control of radiation hazards is adequate to protect the public health and safety and compatible with the Commission's program. This Agreement is a rule as defined in the Congressional Review Act (5 U.S.C. 801-808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

Dated at Rockville, Maryland, this _____ day of _____, 2019.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,
Secretary of the Commission.