



SECRETARY

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

September 6, 2019

COMMISSION VOTING RECORD

DECISION ITEM: SECY-19-0085

TITLE: SECTION 274b. AGREEMENT WITH THE STATE OF VERMONT

The Commission acted on the subject paper as recorded in the Staff Requirements Memorandum (SRM) of September 6, 2019.

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

A handwritten signature in black ink, appearing to read "Annette L. Vietti-Cook", written over a horizontal line.

Annette L. Vietti-Cook
Secretary of the Commission

Enclosures:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Svinicki
Commissioner Baran
Commissioner Caputo
Commissioner Wright
OGC
EDO
PDR

VOTING SUMMARY – SECY-19-0085

RECORDED VOTES

	<u>APPROVED</u>	<u>DISAPPROVED</u>	<u>ABSTAIN</u>	<u>NOT PARTICIPATING</u>	<u>COMMENTS</u>	<u>DATE</u>
Chrm. Svinicki	X				X	09/03/19
Cmr. Baran	X				X	09/05/19
Cmr. Caputo	X				X	09/04/19
Cmr. Wright	X				X	09/04/19

POLICY ISSUE
NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: CHAIRMAN SVINICKI
SUBJECT: SECY-19-0085: Section 274b Agreement with the State of Vermont

Approved XX Disapproved _____ Abstain _____ Not Participating _____

COMMENTS: Below XX Attached _____ None _____

I find that the proposed Vermont program to assume regulatory authority for possession and use of: (1) byproduct material as defined in Section 11e.(1), 11e.(3), and 11e.(4) of the Atomic Energy Act, as amended (the Act); (2) source material; and (3) special nuclear material, in quantities not sufficient to form a critical mass, is compatible with the Commission's program for the regulation of like materials. I find that the proposed Vermont program is adequate to protect the public health and safety within the State with respect to the materials and uses covered by the proposed Agreement. In light of the foregoing, I approve the proposed Agreement between the State of Vermont and the NRC pursuant to Section 274 of the Act, as set forth in Enclosure 1 of the paper.



SIGNATURE

09/ 3 /19

DATE

Entered on "STARS" Yes No _____

POLICY ISSUE
NOTATION VOTE


RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Commissioner Baran
SUBJECT: SECY-19-0085: Section 274b Agreement with the
State of Vermont

Approved Disapproved Abstain Not Participating

COMMENTS: Below Attached None

Entered in "STARS"
Yes
No



SIGNATURE
9/5/19

DATE

**Commissioner Baran's Comments on SECY-19-0085,
"Section 274b. Agreement with the State of Vermont"**

In this paper, the NRC staff recommends approving the proposed NRC Agreement with the State of Vermont, which would provide for the state to assume regulatory authority over source material, specific types of byproduct material, and special nuclear material, in quantities not sufficient to form a critical mass.

In reaching its conclusion that Vermont's proposed program would be compatible with NRC's program and adequate to protect public health and safety, the NRC staff evaluated Vermont's proposed program against 28 criteria related to radiation protection standards, inspection, enforcement, personnel, administration, and other key aspects of an effective program. I found the staff's final assessment to be thorough and its findings well-reasoned. I agree with the NRC staff's conclusion that Vermont's proposed program is compatible with the NRC's program and adequate to protect public health and safety.

During its evaluation, the NRC staff identified a limited number of changes to Vermont's regulations that will be necessary for the state to be fully compatible with NRC's regulations. Vermont has since committed to making these changes.

For these reasons, I approve the proposed Agreement between the State of Vermont and NRC.

POLICY ISSUE
NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Commissioner Caputo
SUBJECT: SECY-19-0085: Section 274b Agreement with the State of Vermont

Approved XX Disapproved _____ Abstain _____ Not Participating _____


COMMENTS: Below XX Attached _____ None _____

After reviewing SECY-19-0085, I find that the proposed Vermont Agreement State program to assume regulatory authority for possession and use of: (1) byproduct material as defined in Section 11e.(1), 11e.(3), and 11e.(4) of the Atomic Energy Act of 1954, as amended (the Act); (2) source material; and (3) special nuclear material, in quantities not sufficient to form a critical mass, is compatible with the Commission's program for the regulation of like materials. I also find that the proposed Vermont program is adequate to protect the public health and safety within the State with respect to the materials and uses covered by the proposed Agreement.

Consequently, I approve the proposed Agreement between the State of Vermont and the NRC pursuant to Section 274 of the Act, as set forth in Enclosure 1 of SECY-19-0085

Entered in STARS

Yes X
No _____



Signature

09/4/2019

DATE

POLICY ISSUE
NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Commissioner Wright
SUBJECT: SECY-19-0085: Section 274b Agreement with the State of Vermont

Approved Disapproved Abstain Not Participating

COMMENTS: Below Attached None

Original vote date: September 4, 2019.

I appreciate the staff's thorough assessment of the proposed Vermont Agreement State program. I find that the proposed Vermont program to assume regulatory authority for possession and use of: (1) byproduct material as defined in Section 11e.(1), 11e.(3), and 11e.(4) of the Atomic Energy Act of 1954, as amended (AEA); (2) source material; and (3) special nuclear material, in quantities not sufficient to form a critical mass, is compatible with the Commission's program for the regulation of like materials. I find that the proposed Vermont program is adequate to protect the public health and safety within the State with respect to the materials and uses covered by the proposed Agreement. Therefore, I approve the proposed Agreement between the State of Vermont and the NRC pursuant to Section 274 of the AEA, as set forth in Enclosure 1 of the paper.

Entered in STARS

Yes

No



SIGNATURE

9/9/19

DATE