

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



February 12, 2008

SECRETARY

COMMISSION VOTING RECORD

DECISION ITEM: SECY-08-0008

TITLE: SECTION 274b AGREEMENT WITH THE  
COMMONWEALTH OF PENNSYLVANIA

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of February 12, 2008.

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 cursive script, appearing to read "Annette L. Vietti-Cook", written over a horizontal line.

Annette L. Vietti-Cook  
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Klein  
Commissioner Jaczko  
Commissioner Lyons  
OGC  
EDO  
PDR

SECY NOTE: THE SUBJECT SECY PAPER, THE INDIVIDUAL COMMISSIONER VOTES AND THIS SRM WILL BE MADE PUBLICLY AVAILABLE 5 WORKING DAYS AFTER DISPATCH OF THE LETTERS.

VOTING SUMMARY - SECY-08-0008

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. KLEIN	X					1/23/08
COMR. JACZKO	X				X	1/30/08
COMR. LYONS	X				X	1/29/08

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and provided some additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on February 12, 2008.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

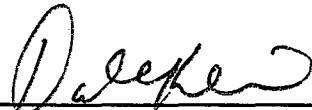
FROM:

SUBJECT: SECY-08-0008 – SECTION 274b AGREEMENT  
WITH THE COMMONWEALTH OF  
PENNSYLVANIA

Approved  X  Disapproved   Abstain

Not Participating

COMMENTS: Below   Attached   None  X

  
\_\_\_\_\_  
SIGNATURE

1/23/08  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes  No

**NOTATION VOTE**

**RESPONSE SHEET**

**TO:** Annette Vietti-Cook, Secretary

**FROM:** COMMISSIONER JACZKO

**SUBJECT:** SECY-08-0008 – SECTION 274b AGREEMENT  
WITH THE COMMONWEALTH OF  
PENNSYLVANIA

Approved  X  Disapproved   Abstain

Not Participating

**COMMENTS:** Below   Attached  X  None

  
\_\_\_\_\_  
**SIGNATURE**

1/30/08  
\_\_\_\_\_  
**DATE**


Entered on "STARS" Yes  x  No

**Commissioner Jaczko's Comments on SECY-08-0008  
Section 274b Agreement with the Commonwealth of Pennsylvania**

I approve the proposed Agreement between the Nuclear Regulatory Commission and the Commonwealth of Pennsylvania pursuant to Section 274, "Cooperation With States," of the Atomic Energy Act of 1954, as amended. As part of this Agreement the Commission will discontinue its authority over certain byproduct material, source material, and special nuclear material in quantities not sufficient to form a critical mass, including land disposal of these materials compatible with the Commission's program.

The Commission, in December 2007, issued Orders to its licensees to require fingerprinting for criminal history records checks to strengthen access requirements to radioactive materials. With the approval of this agreement, the Commonwealth will be required to implement the new fingerprinting requirements. I recognize that there has been concern over whether all Agreement States would be capable of implementing the new fingerprinting requirements. Thus, I am glad to see that the Commonwealth's Bureau of Radiation Protection (BRP) has confirmed with the NRC staff that they do not have any legal impediments to implementing the requirements for fingerprinting which will be transferred to them as part of the Agreement.

The staff, as part of its review of the Commonwealth's program, identified "that both inspectors and license reviewers needed additional training in the medical area." I believe the staff should, as part of the implementation plan, ensure that the Commonwealth's BRP takes the appropriate steps to train its inspectors and license reviewers. Additionally, the staff should not transfer the pending investigations and enforcement actions. The open investigations and enforcement actions should be completed by the staff and the staff should keep the BRP informed of its actions as these issues are resolved.

  
\_\_\_\_\_  
Gregory B. Jaczko

1/30/08  
\_\_\_\_\_  
Date

NOTATION VOTE


RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER LYONS  
SUBJECT: SECY-08-0008 – SECTION 274b AGREEMENT  
WITH THE COMMONWEALTH OF  
PENNSYLVANIA

Approved  X  Disapproved       Abstain      

Not Participating      

COMMENTS: Below       Attached  X  None      

  
Peter B. Lyons  
SIGNATURE

1/29/08  
DATE

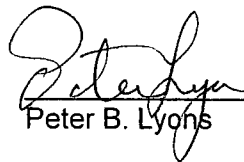
Entered on "STARS" Yes  X  No

**Commissioner Lyons' Comments on SECY-08-0008**

I approve the proposed Agreement between the Commonwealth of Pennsylvania and the NRC pursuant to Section 274 of the Act. I applaud and welcome the Commonwealth of Pennsylvania into the longstanding and very successful Agreement State Program to regulate the safe uses of radioactive material to ensure the protection of public health and safety and the environment.

I strongly believe that adequate protection of the public health and safety is best achieved and enhanced by the collective involvement of both NRC and the Agreement States. Such an approach maximizes the effectiveness and efficiency of both NRC and Agreement State resources and ensures that the common objectives of protecting public health and safety and the environment continue to be met. I look forward to future dialogues with the Commonwealth of Pennsylvania at an upcoming Organization of Agreement States meeting.

I appreciate the good work of the NRC and Commonwealth of Pennsylvania staff in developing this proposed Agreement, particularly in light of the length of time this effort has taken. The Commission paper reflects only a small portion of the tremendous effort that has gone into developing the proposed Agreement. Both NRC staff and the Commonwealth of Pennsylvania staff should be commended for their efforts.

  
Peter B. Lyons      1/29/08  
Date