



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

February 6, 2004

SECRETARY

COMMISSION VOTING RECORD

DECISION ITEM: SECY-04-0008

TITLE: PROPOSED AMENDMENT TO AGREEMENT  
BETWEEN THE STATE OF UTAH AND THE  
COMMISSION PURSUANT TO SECTION 274 OF  
THE ATOMIC ENERGY ACT OF 1954, AS  
AMENDED

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of February 6, 2004.

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 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 Diaz  
Commissioner McGaffigan  
Commissioner Merrifield  
OGC  
EDO  
PDR

SECY NOTE: TO BE MADE PUBLICLY AVAILABLE 5 BUSINESS DAYS AFTER THE  
LETTER TO GOVERNOR IS DISPATCHED.

VOTING SUMMARY - SECY-04-0008

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. DIAZ	X					2/4/04
COMR. McGAFFIGAN	X					2/2/04
COMR. MERRIFIELD	X				X	2/3/04

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and Commissioner Merrifield 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 6, 2004.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: CHAIRMAN DIAZ  
SUBJECT: **SECY-04-0008 - PROPOSED AMENDMENT TO  
AGREEMENT BETWEEN THE STATE OF UTAH AND  
THE COMMISSION PURSUANT TO SECTION 274 OF  
THE ATOMIC ENERGY ACT OF 1954, AS AMENDED**

Approved xx 19 Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

COMMENTS:

his fdu  
SIGNATURE

Feb 04, 04  
DATE

Entered on "STARS" Yes 1 No \_\_\_\_\_

NOTATION VOTE

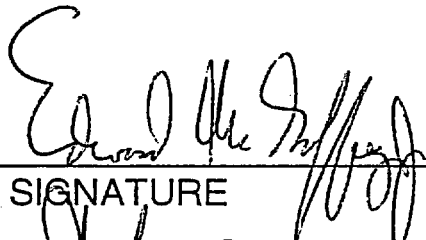
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER MCGAFFIGAN  
SUBJECT: **SECY-04-0008 - PROPOSED AMENDMENT TO  
AGREEMENT BETWEEN THE STATE OF UTAH AND  
THE COMMISSION PURSUANT TO SECTION 274 OF  
THE ATOMIC ENERGY ACT OF 1954, AS AMENDED**

Approved  Disapproved  Abstain

Not Participating

COMMENTS:

  
\_\_\_\_\_  
SIGNATURE  
July 2, 2004  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes  No

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER MERRIFIELD  
SUBJECT: **SECY-04-0008 - PROPOSED AMENDMENT TO AGREEMENT BETWEEN THE STATE OF UTAH AND THE COMMISSION PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED**

Approved  Disapproved  Abstain

Not Participating

COMMENTS:

*See attached edits.*

  
\_\_\_\_\_  
SIGNATURE

*5/3/04*  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes  No

(b) The proposed amendment to the Agreement modifies the articles of the Agreement that:

- Specify the materials and activities over which authority is transferred;
- Specify the activities over which the Commission will retain regulatory authority; and
- Specify the effective date of the proposed Agreement.

The Commission reserves the option to modify the terms of the proposed amendment to the Agreement in response to comments, to correct errors, and to make editorial changes. The final text of the amendment to the Agreement, with the effective date, will be published after the amendment to the Agreement is approved by the Commission and signed by the Chairman of the Commission and the Governor of Utah.

(c) Utah currently regulates all radioactive materials covered under the Act, except for conducting sealed source and device evaluations; and the possession and use of 11e.(2) byproduct material, which would be assumed by Utah under the proposed amendment to their Agreement. Section 19-3-113 of the Utah code provides the authority for the Governor to enter into an Agreement with the Commission. Section 19-3-113 also contains provisions for the orderly transfer of regulatory authority over affected licensees from NRC to the State. After the effective date of the Agreement, licenses issued by NRC would continue in effect as Utah licenses until the licenses expire or are replaced by State issued licenses. The regulatory program including 11e.(2) byproduct materials is authorized by law in Section 19-3-104.

of the Commission and adequate to protect public health and safety with respect to the materials covered by the proposed amendment to the Agreement.

NRC will continue the formal processing of the proposed amendment to the Agreement which includes publication of this Notice once a week for four consecutive weeks for public review and comment.

Dated at Rockville, Maryland, this \_\_\_\_\_ day of \_\_\_\_\_, 200~~3~~<sup>4</sup>.

For the Nuclear Regulatory Commission.

\_\_\_\_\_, Director  
Office of State and Tribal Programs