

June 10, 1999

COMMISSION VOTING RECORD

DECISION ITEM: SECY-99-123

TITLE: OKLAHOMA AGREEMENT STATE NEGOTIATIONS: STATE PROPOSAL TO LIMIT SCOPE OF AGREEMENT

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of June 10, 1999.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission, and the SRM of June 10, 1999.

Annette Vietti-Cook
Secretary of the Commission

Attachments: 1. Voting Summary
2. Commissioner Vote Sheets
3. Final SRM

cc: Chairman Jackson
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
EDO
PDR
DCS

VOTING SUMMARY - SECY-99-123

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. JACKSON	X				X	5/17/99
COMR. DICUS	X					5/9/99
COMR. DIAZ	X				X	5/12/99
COMR. McGAFFIGAN	X					5/24/99
COMR. MERRIFIELD	X					5/10/99

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 June 10, 1999.

Commissioner Comments on SECY-99-123

Chairman Jackson

The proposal meets the previous Commission guidance to the staff on establishing limited Agreements. Therefore, I approve the staff recommendation to enter into a limited Agreement with Oklahoma. However, there are certain points of jurisdiction that the staff should clarify dealing with the licensing of devices that do not contain specifically licensed sources, such as may be the case for defunct radiography companies, which may still own cameras, but no longer have sources in their possession. These devices would remain under the Oklahoma license until transferred or disposed of. However, the staff should ensure that this point is clarified in the Agreement.

Additionally, because one of the stated purposes of this limited Agreement is to prevent dual regulation of specifically licensed devices, the staff should explore including in the limited Agreement source material used for shielding in machine sources of radiation, such as the accelerator referenced in the paper.

Further, if the Commission approves the limited Agreement, it is possible that other States may pursue similar Agreements, leaving the NRC with the resource intensive and controversial reviews associated with contaminated sites. The staff should advise the Commission of the intent of other States in pursuing such Agreements and the resources implications. This may add further justification for placing some fraction of the agency budget on the general fund, especially since some of these sites are no longer licensed by the NRC.

Commissioner Diaz

I approve the staff to continue with its review of Oklahoma's request to enter into a limited agreement. The staff should not reject this agreement based on it being a limited agreement that only includes:

- 11e. (1) byproduct material.
- less than critical mass quantities of special nuclear material (SNM).
- source material used to take advantage of its density and high mass properties where the use of the specifically licensed source material is subordinate to the primary specifically licensed use of either 11e. (1) byproduct material or SNM.