



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, which appears to read "Annette Vietti-Cook", is 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

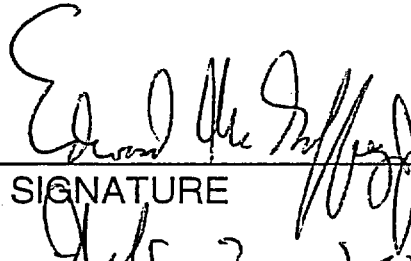
FROM: COMMISSIONER MCGAFFIGAN

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

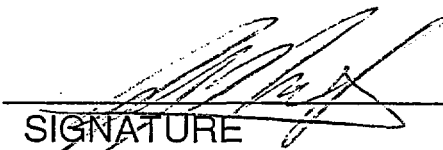
SUBJECT: **SECY-04-0008 - PROPOSED AMENDMENT TO
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THE ATOMIC ENERGY ACT OF 1954, AS AMENDED**

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 which will remain under NRC jurisdiction, 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 _____, 2003⁴.

For the Nuclear Regulatory Commission.

_____, Director
Office of State and Tribal Programs