

August 24, 2000

COMMISSION VOTING RECORD

DECISION ITEM: SECY-00-0166
TITLE: SECTION 274b AGREEMENT WITH THE STATE OF OKLAHOMA

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of August 24, 2000.

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

Annette Vietti-Cook
Secretary of the Commission

Attachments: 1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
EDO
PDR

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

VOTING SUMMARY - SECY-00-0166

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. MESERVE	X				X	8/17/00
COMR. DICUS	X					8/9/00
COMR. DIAZ	X					8/14/00
COMR. MCGAFFIGAN	X				X	8/7/00
COMR. MERRIFIELD	X				X	8/11/00

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and some provided additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on August 24, 2000.

Commissioner Comments on SECY-00-0166

Chairman Meserve

I approve the proposed Agreement, subject to 1) the edits of the proposed Agreement and of the Federal Register notice suggested by Com. McGaffigan in his vote (with one slight amendment) and 2) the additional attached edits of the Agreement, of the letter to Governor Keating, and of the final NRC staff assessment (Attachment 2 to the paper).

Commissioner Merrifield

I commend the staff for expeditiously completing the review of the request by the State of Oklahoma to become an Agreement State, and I approve the staff recommendations in SECY-00-0166. I note that the staff used a new streamlined procedure designed to improve the efficiency and effectiveness of the staff review for the proposed action. I highly encourage the staff to continue to look for methods to improve the efficiency and effectiveness of reviewing requests for future Agreement States. Oklahoma is the 32nd Agreement State, which means that the staff has had considerable experience in not only reviewing requests to become Agreement States but also reviewing the physical implementation of Agreement State programs. With this wealth of experience, staff should continuously search for ways to make this whole process more efficient and effective.

I note that the Oklahoma Agreement is somewhat unique in that Oklahoma does not assume regulatory authority over a category of facilities (about 4 to 5 facilities) that includes the more complex and controversial SDMP sites in the State. Although Oklahoma will become an Agreement State, the NRC will still devote a number of resources for facilities which are not explicitly excluded from the Agreement State program by the AEA (i.e., they are not power plants, fuel facilities, or Federal facilities, or they do not possess more than a critical amount of special nuclear material). I acknowledge that the exclusion of this category of facilities occurred with the specific approval of the Commission; and I am not criticizing the decision by Oklahoma to restrict its agreement. However, the SECY paper for the final agreement should have included a brief discussion of the NRC resource impact of this decision. Based on input from the staff, I have been informed that the total NRC resources for these 4-5 facilities will be approximately 3 FTE each year for the foreseeable future. In the annual budget review, the resource impact of a single Agreement out of 32 Agreements is not easily determined or presented; and I am not saying that the annual budget submitted to the Commission should go into such detail for a specific line item. However, in future staff papers on Agreements with States, a brief summary of the NRC resources anticipated to be devoted to facilities in that State, even with the Agreement in effect, should be provided.

As a further note, the continuing NRC obligation to address the needs of materials licensees in the State of Oklahoma underscores the complexities and interrelationships of the fee structure associated with our materials licensees. This decision only reiterates the need for a national materials program, irrespective of the number of Agreement States, and further validates the Commission's decision to address the inherent fairness and equity concerns in our fee structure by requesting limited funding from the general fund.