

August 4, 1999

MEMORANDUM TO: William D. Travers  
Executive Director for Operations

FROM: Annette Vietti-Cook, Secretary /s/

SUBJECT: STAFF REQUIREMENTS - SECY-99-179 - SECTION 274b AGREEMENT WITH THE STATE OF OHIO

The Commission has approved the proposed Agreement between the State of Ohio and the Nuclear Regulatory Commission pursuant to Section 274 of the Atomic Energy Act. The staff should incorporate the changes provided in the attachment in the Agreement, the Congressional letters, the press release, and the Federal Register notice.

Attachment: [Changes to the Agreement, the Congressional letters, the press release, and the Federal Register notice.](#)

cc: Chairman Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
Commissioner Merrifield  
OGC  
CIO  
CFO  
OCA  
OIG  
OPA  
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)  
PDR  
DCS

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ATTACHMENT

## **Changes to the Agreement, the Congressional letters, the press release, and the Federal Register notice.**

### **Changes to the Proposed Agreement**

1. On page 5, in paragraph d., line 1, replace the commas around 'if any' with parentheses.
2. On page 5, in paragraph d., line 4, insert a comma after 'section'.

### **Changes to the Congressional letters**

1. In paragraph 1, revise the last sentence to read '... special nuclear materials **received from other** by persons ~~other than the licensees which generated the waste.~~'
2. In paragraph 2, line 1, delete the comma after '1998'.
3. In paragraph 4, line 3, insert the following at the end of the 1<sup>st</sup> sentence:  
  
NRC staff has identified 574 licensees that will be transferred to Ohio in whole or in part and continues to work with representatives of the Ohio program to ensure a smooth transition for both the regulator and its licensees. Consistent with the agency's oversight of the Agreement State program,
4. Add the following at the end of paragraph 4:  
  
NRC will retain jurisdiction over 19 materials licensees, including certain Federal facilities, exempt distribution, and two licensees authorized to possess special nuclear material. In addition, NRC will retain jurisdiction over the gaseous diffusion plant in Portsmouth and two nuclear power plants near Toledo and Painesville.

### **Changes to the Press Release**

1. On page 1, paragraph 1, revise line 1 to read 'The **U.S.** Nuclear Regulatory Commission (**NRC**) has approved ....'
2. On page 1, paragraph 1, revise the last sentence to read 'The **proposed** agreement was published **for four consecutive weeks** in the Federal Register **beginning in March 11, 1999** and **twenty-five comment letters were received.** The agreement will become ....'

3. On page 1, revise paragraph 2 to read ' ... and enforcement concerning : ~~the use of (1) radioactive materials made radioactive in certain non-power reactors used for this purpose; produced as byproducts of the operation of nuclear reactors~~ **(2) the tailings or wastes produced by the extraction or concentration of uranium or thorium from processed ore; (3) ~~(2)~~ uranium and thorium source materials; and ~~(3) (4) special nuclear material in quantities not sufficient to form a critical mass.~~ small quantities of fissionable materials**
4. On page 1, paragraph 3, revise line 1 to read ' ... state to regulate **radioactive waste**, the land disposal ....'
5. On page 2, insert the following at the beginning of paragraph 2:

NRC will retain jurisdiction over 19 materials licensees, including certain Federal facilities, exempt distribution, and two licensees authorized to possess special nuclear material. In addition,
6. On page 2, paragraph 2, revise line 2 to read ' ... Painesville, Ohio~~7~~ and ~~over~~ the U.S. Enrichment ....'
7. On page 2, add the following to the end of paragraph 2:

NRC does not regulate Department of Energy (DOE) facilities, such as the Fernald and Mound sites and the entombed Piqua reactor, and these are not affected by the Agreement. These facilities will continue to be self-regulated by DOE.
8. On page 2, add to the end of the last paragraph:

Four other States are in various stages of entering into agreements with NRC. They are Pennsylvania, Oklahoma, Minnesota, and Wisconsin.

### **Changes to the Federal Register notice**

1. On page 2, paragraph 1, last sentence, delete ',' after 'safety' and delete 'that it is'.
2. On page 2, add the following to the end of the 1<sup>st</sup> paragraph:

NRC will retain jurisdiction over 19 materials licensees including certain Federal facilities and exempt distribution. In addition, NRC will retain jurisdiction over the gaseous diffusion plant in Portsmouth, Ohio and two nuclear power plants near Toledo and Painesville.