



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

June 7, 2019

Brice Obermeyer
Director, Delaware Tribe Historic Preservation Office
Roosevelt Hall, Rm 212
1200 Commercial St.
Emporia, KS 66801

SUBJECT: STATE OF VERMONT FINAL APPLICATION TO ASSUME REGULATORY
AUTHORITY OVER CERTAIN RADIOACTIVE MATERIALS CURRENTLY HELD
BY THE U.S. NUCLEAR REGULATORY COMMISSION

Dear Mr. Obermeyer:

The U.S. Nuclear Regulatory Commission's (NRC) Agreement State Program allows a State to assume regulatory authority for some types of nuclear material after review and approval of the State's program by the NRC. States assume the authority to review and issue licenses and conduct inspections to ensure safety and security for activities involving these materials. On April 11, 2019, the Governor of Vermont sent its final application to the NRC to ask for an Agreement with the NRC to regulate certain types of radioactive materials (Agencywide Documents Access and Management System Accession No. [ML19116A227](#)). It is NRC's understanding that your tribe has interest in activities that could affect your ancestral lands and areas of cultural significance in the State of Vermont. Consequently, we are informing your tribe of this action in accordance with our Tribal Policy Statement at <https://www.nrc.gov/about-nrc/state-tribal/tps.html>. Additional information on the Vermont Agreement process and links to NRC and Vermont documents related to the Agreement application process can be found on our Web site at <https://www.nrc.gov/about-nrc/state-tribal/agreement-states/vermont.html>. We periodically update this Web site at each milestone in the Agreement process and provide links to documents related to the Agreement.

The NRC approves an Agreement after finding the State's radiation control program is adequate to protect public health and safety and compatible with the NRC's nuclear materials program. Under the proposed Vermont Agreement, the State would assume regulatory authority over byproduct material, source material and special nuclear material less than critical mass quantities at 36 academic, commercial and medical facilities across the State. The NRC would continue to regulate the use of radioactive material at federal facilities within the State and the Vermont Yankee Nuclear Power Plant.

In compliance with the Commission's policy¹, the NRC staff prepared a draft assessment of the State's final application and anticipates publishing the draft assessment and draft Agreement in the *Federal Register*. We will inform you when the *Federal Register* notice is published to afford you the opportunity to provide comments. If an Agreement is finalized, the NRC will discontinue its regulatory authority over radioactive materials covered under the Agreement. The NRC will then transfer regulatory authority and related licenses to the State of Vermont on the effective

¹ NRC Statement of Policy was published in the *Federal Register*, on January 23, 1981 (46 FR 7540-7546), a correction was published on July 16, 1981 (46 FR 36969) and a revision of Criterion 9 was published in the *Federal Register*, on July 21, 1983 (48 FR 33376).

date of the Agreement. After the Agreement goes into effect, licensing actions taken by the State of Vermont will be subject to the State's environmental and historic preservation laws, not federal laws such as the National Environmental Policy Act or the National Historical Preservation Act.

If you or other tribal officials would like additional opportunities to discuss the Agreement State Program and Vermont's proposed program, please contact Mr. Duncan White in the State Agreements and Liaison Programs Branch at (301) 415-2598, or by e-mail at Duncan.White@nrc.gov.

Sincerely,

/RA/

Paul Michalak, Chief
State Agreements
and Liaison Programs Branch
Office of Nuclear Material Safety
and Safeguards

cc: W. Irwin, VT Department of Health

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AUTHORITY OVER CERTAIN RADIOACTIVE MATERIALS CURRENTLY HELD
BY THE U.S. NUCLEAR REGULATORY COMMISSION. **DATE: JUNE 7, 2019**

Identical Letters sent to:

Stockbridge Munsee Community, Wisconsin

DISTRIBUTION:

MFord, RI RSAO

*Via e-mail

ADAMS Accession No. ML19158A440

OFFICE	MSST	MSST*	MSST	MSST
NAME	MArribas-Colon	DWhite	THerrera for HGonzalez	PMichalak
DATE	06/07/19	06/06/19	06/07/19	06/07/19

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

June 7, 2019

Bonnie Hartley
Tribal Historic Preservation Officer
Stockbridge Munsee Community, Wisconsin
65 1st Street
Troy, NY 12180

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REGULATORY AUTHORITY OVER CERTAIN RADIOACTIVE MATERIALS
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State Agreements
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cc: W. Irwin, VT Department of Health