



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

September 30, 2019

ALL AGREEMENT AND NON-AGREEMENT STATES,
STATE LIAISON OFFICERS
VERMONT TRIBES AND TRIBES INTERESTED IN VERMONT

AGREEMENT BETWEEN THE U.S. NUCLEAR REGULATORY COMMISSION AND THE
STATE OF VERMONT (STC-19-064)

Purpose: To inform you that, pursuant to Section 274b. of the Atomic Energy Act (AEA) of 1954, as amended, the Commission on September 6, 2019, approved an Agreement with the State of Vermont. The Agreement is effective on September 30, 2019.

Background: On April 11, 2019, Governor Philip B. Scott, on behalf of the State of Vermont, submitted a request that the NRC enter into an Agreement with the State pursuant to Section 274 of the Atomic Energy Act of 1954. Under the proposed Agreement, the Commission would discontinue, and the State of Vermont would assume, regulatory authority within the State over the responsibility of byproduct material as defined in Sections 11e.(1), 11e.(3), and 11e.(4) of the AEA, source material, and special nuclear material in quantities not sufficient to form a critical mass.

The proposed Agreement, along with a summary of the U.S. Nuclear Regulatory Commission's (NRC) assessment of the proposed Vermont program, was published for public comment in the *Federal Register* beginning on June 25, 2019, for 4 consecutive weeks, as required by Section 274e. of the Act. Copies of the proposed Agreement and supporting documentation were made available for inspection at the Commission's Public Document Room.

In SECY-19-0085 "Section 274b. Agreement with the State of Vermont" dated August 29, 2019 (Agencywide Documents Access and Management System Accession No. [ML19192A115](#)), the NRC staff responded to the public comments received on the proposed Agreement and draft staff assessment. The NRC staff assessment concluded that the Vermont program for the regulation of Agreement materials is adequate to protect public health and safety and is compatible with NRC's program.

Discussion: Under the Agreement, the State of Vermont has assumed regulatory authority over the responsibility of byproduct material as defined in Sections 11e.(1), 11e.(3), and 11e.(4) of the AEA, source material, and special nuclear material in quantities not sufficient to form a critical mass. As such, the State of Vermont is now the regulatory authority the academic, medical, industrial and commercial licenses authorized to use byproduct, source and special nuclear materials in the State of Vermont. Agreement State licensees needing to conduct licensed activities in the State of Vermont under reciprocity must continue to request approval from Vermont. The NRC staff will conduct periodic reviews of the Vermont program using the Integrated Materials Performance Evaluation Program to ensure that the terms of the Agreement continue to be met.

If you have any questions on this correspondence, please contact me or the individual named below.

POINT OF CONTACT: Duncan White
TELEPHONE: 301-415-2598

E-MAIL: Duncan.White@nrc.gov

/RA Paul Michalak for/

Andrea L. Kock, Director
Division of Materials Safety, Security, State
and Tribal Programs
Office of Nuclear Material Safety
and Safeguards

SUBJECT: AGREEMENT BETWEEN THE U.S. NUCLEAR REGULATORY
COMMISSION AND THE STATE OF VERMONT (STC-19-064)
DATED: SEPTEMBER 30, 2019

Distribution:
MSST R/F

ADAMS Accession No. ML19191A123

***via email**

OFFICE	NMSS/MSST	NMSS/MSST	NMSS/MSST	NMSS/MSST
NAME	MArribas-Colon	D.White	PMichalak	AKock (PMichalak for)
DATE	7/16/19	7/16/19	9/30/19	9/30/19

OFFICIAL RECORD COPY