

October 20, 2000

Edgar D. Bailey, C.H.P., Chief
Radiologic Health Branch
Division of Food, Drug & Radiation Safety
California Department of Health Services
P.O. Box 942732, MS-178
Sacramento, CA 94234-7320

Dear Mr. Bailey:

Thank you for your August 4, 2000, letter transmitting the Cease and Desist Order issued for the property at 170 West Providencia Street, Burbank, California. Your letter also notes that you did not receive a response from the Nuclear Regulatory Commission (NRC) to your November 5, 1996, letter concerning regulatory authority at the West Providencia site.

We have reviewed Agency records and can find no direct response to your 1996 letter. However, the points raised in your letter were among those addressed in a Commission paper (SECY 99-278) on the jurisdiction over sites in Agreement States formerly licensed by NRC. The Commission, in response, directed staff to clarify that contamination of former sites falls under the jurisdiction of the Agreement State to the extent that such contamination involves materials covered under the provisions of the Agreement. Further, the Commission directed the staff to clarify that the NRC anticipates the opportunity to provide funds for review of sites for which there is no financially responsible party.

As discussed, funds have been requested in our FY 2001 budget to provide assistance to Agreement States. These funds would be administrated through a grant program and we are prepared to work with you in developing a grant request.

Sincerely,

/RA/

Paul H. Lohaus, Director
Office of State and Tribal Programs

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Response to Incoming Document: ML003738953

DOCUMENT NAME: C:\bailey answer 2.wpd

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