

October 29, 2001

Mr. David Hess
Secretary of the Environment
Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building
P. O. Box 8469
Harrisburg, PA 17105-8469

Dear Mr. Hess:

I am writing to you concerning Pennsylvania's interest in becoming an Agreement State, and the schedule for implementing the Agreement. In a letter dated December 6, 1996, Governor Tom Ridge notified NRC Chairman Shirley Jackson of the Commonwealth's intent to enter into an Agreement with the Commission under Section 274b of the Atomic Energy Act. The proposed Agreement would transfer regulatory authority over certain radioactive materials from NRC to the Commonwealth.

Since 1996, NRC and Department of Environmental Protection staff members have continued efforts to complete the Agreement. These efforts produced a schedule calling for the Department to submit a draft application to NRC in November 2001, a final application in January 2002, and for the Agreement to take effect in January 2003. For our respective resource planning purposes, we now need to confirm or amend this schedule. NRC must make decisions soon on budget allocations for Fiscal Year 2004. However, we understand that there may be concerns about the resources needed in the Department to prepare for and assume regulatory responsibility under the Agreement, and that concern has been expressed about the Commonwealth's assumption of responsibility for a number of sites that are in various stages of decommissioning.

Our ability to support the Commonwealth, and licensees in the Commonwealth, depends on a clear mutual understanding and commitment to an established schedule to which we can both continue to work. In light of the above and the need for resource planning, I request your confirmation of the Commonwealth's desire to continue pursuit of an Agreement, and the schedule for submitting both a draft and final application. If the Commonwealth can no longer support the schedule of November 2001 for submittal of a draft application, January 2002 for the submittal of the final application, and January 2003 as the effective date of the Agreement, we will need to reallocate our resources and realign our budget to continue serving licensees in Pennsylvania.

David Hess

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We would appreciate your early response, by November 15, 2001, if at all possible. If you have any questions concerning this letter, please contact me or Mr. Paul Lohaus, Director of our Office of State and Tribal Programs at (301) 415-3340.

Sincerely,

/RA by Carl J. Paperiello Acting For/

William D. Travers
Executive Director for Operations

cc: Denise Chamberlain
Deputy Secretary
Air, Recycling and Radiation Protection

David J. Allard
Director
Bureau of Radiation Protection

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***See previous concurrence.**

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