

October 22, 2002

Mr. Aubrey V. Godwin, Director
Arizona Radiation Regulatory Agency
4814 South 40th Street
Phoenix, AZ 85040

Dear Mr. Godwin:

I am responding to your August 16, 2002 e-mail regarding return of the NRC formerly licensed sites files previously transferred to you from our Region IV office. These files were used by the State of Arizona in its conduct of the file review and initial survey activity for the NRC formerly licensed sites. We appreciate your efforts in closing out these files under the NRC grant program.

Your e-mail indicates that you desire to return these files to our Region IV office because you take the position that your State does not intend to take jurisdiction and responsibility for these sites. Consistent with the Staff Requirements Memorandum, SECY-99-278, we continue to hold the view that the State of Arizona has the regulatory jurisdiction over byproduct materials, source materials and certain quantities of special nuclear materials, covered under the provisions of your Agreement, at the NRC formerly licensed sites. Given that, we recommend that you retain and deposition these NRC formerly licensed sites files in accordance with your internal procedures.

If you have any questions regarding the correspondence, please contact me at (301) 415-3340 or Kevin Hsueh at (301) 415-2598.

Sincerely,

/RA/

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

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