

March 18, 2004

Edgar D. Bailey, C.H.P., Chief
Radiologic Health Branch
Division of Food, Drug & Radiation Safety
California Department of Health Services
P.O. Box 997414, MS 7610
Sacramento, CA 95899-7414

Dear Mr. Bailey:

I am responding to your October 30, 2003 letter regarding issues associated with residual special nuclear material identified in buildings H and J at the General Electric (GE) site located in San Jose, California. In the letter, you indicated that based on conversations between Mr. Michael Lamastra, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission (NRC), and the California Radiologic Health Branch (RHB), it had been agreed that it is appropriate for the NRC to oversee the disposition and resolution of the issues. You further indicated that it is imperative that the NRC conduct a thorough review of the information and data upon which the NRC's release of the site was predicated.

We have reviewed our records on this matter. The NRC agrees that NRC's authority continues over buildings H and J and it is appropriate for the NRC to oversee the disposition and resolution of this matter. We will contact you to coordinate our efforts.

If you have any questions regarding the correspondence, please contact me at (301) 415-3340 or Osiris Siurano at (301) 415-2307.

Sincerely,

/RA By Josephine M. Piccone Acting for/
Paul H. Lohaus, Director
Office of State and Tribal Programs

Edgar D. Bailey

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***See previous concurrence.**

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