

EDO Principal Correspondence Control

FROM: DUE: 07/21/04 EDO CONTROL: G20040467  
DOC DT: 07/06/04  
FINAL REPLY:

Governor Tim Pawlenty

TO:

Chairman Diaz

FOR SIGNATURE OF : \*\* PRI \*\* CRC NO: 04-0442

Chairman Diaz

DESC:

ROUTING:

Request for Agreement to be Established Between  
NRC and the State of Minnesota

Reyes  
Norry  
Virgilio  
Kane  
Collins  
Dean  
Burns/Cyr  
Caldwell, RIII  
Strosnider, NMSS

DATE: 07/12/04

ASSIGNED TO: CONTACT:  
STP Lohaus

SPECIAL INSTRUCTIONS OR REMARKS:

Ref. WITS 200100091.

Template: SECY-017

E-RIDS: SECY-01

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

*Date Printed: Jul 12, 2004 10:14*

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**PAPER NUMBER:** LTR-04-0442 **LOGGING DATE:** 07/09/2004  
**ACTION OFFICE:** EDO

**AUTHOR:** GOV Gov. Tim Pawlenty  
**AFFILIATION:** MN-GOV  
**ADDRESSEE:** Nils Diaz  
**SUBJECT:** Request that an agreement be established between the U.S. NRC and the State of Minnesota

**ACTION:** Signature of Chairman  
**DISTRIBUTION:** RF...Encls to: EDO

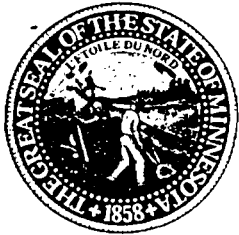
**LETTER DATE:** 07/06/2004  
**ACKNOWLEDGED:** No  
**SPECIAL HANDLING:**

**NOTES:** Commission Correspondence --OCM #5458  
**FILE LOCATION:** ADAMS

**DATE DUE:** 07/23/2004 **DATE SIGNED:**

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EDO --G20040467



# STATE OF MINNESOTA

5458

## Office of Governor Tim Pawlenty

130 State Capitol ♦ 75 Rev. Dr. Martin Luther King Jr. Boulevard ♦ Saint Paul, MN 55155

July 6, 2004

Nils J. Diaz, Chairman  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Chairman Diaz:

I am writing to formally request that an agreement be established between the United States Nuclear Regulatory Commission and the State of Minnesota as authorized under Section 274b of the Atomic Energy Act of 1954, as amended, and the Minnesota Statutes Section 144.1202. Under this agreement the US Nuclear Regulatory Commission will discontinue certain regulatory authority for radioactive materials now under federal jurisdiction and that authority will be assumed by the State of Minnesota. As provided by Minnesota Statutes Section 144.1202, subd. 2, the Department of Health is the agency responsible for the implementation of the agreement. The specific authority requested is for the following:

- A. Any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material (i.e., byproduct materials as defined in Section 11e(1) of the Atomic Energy Act of 1954, as amended)
- B. Source materials
- C. Special nuclear materials in quantities not sufficient to form a critical mass

I certify that the State of Minnesota wants to assume regulatory authority and oversight responsibility for such materials, and that the State of Minnesota has an adequate program for the control of radiation hazards covered by this proposed agreement. Enclosed are volumes 1 through 4 of the formal application, which contain a copy of the radioactive materials rules and describe Minnesota's radiation control program as well as its regulatory capabilities.

Your expeditious consideration of this proposed agreement is most appreciated.

Sincerely,

Tim Pawlenty  
Governor

cc: Dianne Mandernach, Commissioner, Minnesota Department of Health  
Michael Campion, Commissioner, Department of Public Safety  
Patricia Bloomgren, Director, Environmental Health Division