REVISED

November 3, 2005

MEMORANDUM TO: Luis A. Reyes
Executive Director for Operations

Karen D. Cyr
General Counsel

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS - SECY-05-0170 - PROPOSED AGREEMENT BETWEEN THE STATE OF MINNESOTA AND THE COMMISSION PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

The Commission has approved the staff's recommendation to proceed with processing the State of Minnesota agreement application pursuant to Section 274(b) of the Atomic Energy Act of 1954, as amended.

It is anticipated that NRC will be issuing orders to certain Minnesota licensees on increasing control of sources prior to Minnesota becoming an Agreement State. The staff should confirm the ability and willingness of Minnesota to inspect and enforce the requirements that implement these additional controls prior to finalizing this Agreement.

The General Counsel should prepare an options paper for the Commission's consideration on possible approaches to the handling of preemption issues, including the resource implications for the implementation of any new agency policy.
(OGC) (SECY Suspense: 12/1/05)

The staff should incorporate the following editorial changes to the Draft Staff Assessment (Attachment 1 to SECY-05-0170):

1. On page 3, 2nd full paragraph, 3rd line from the end, delete "Therefore,".

2. On page 4, 3rd full paragraph, 3rd line from the end, delete "Therefore,".

SECY NOTE: THIS SRM WILL BE RELEASED TO THE PUBLIC 5 WORKING DAYS AFTER DISPATCH OF THE LETTER TO THE GOVERNOR AND PUBLICATION OF THE *FEDERAL REGISTER* NOTICE.

cc: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons
CFO
OCA
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR

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