

November 4, 2005

Ms. Patricia A. Bloomgren, Director
Environmental Health Division
P. O. Box 64975
St. Paul, Minnesota 55164-0975

Dear Ms. Bloomgren:

The U.S. Nuclear Regulatory Commission (NRC) recently, in cooperation with the Agreement States, approved increased controls for radioactive material licensees possessing radioactive sources containing quantities of concern. When implemented by licensees, these controls, which supplement existing regulatory requirements, will provide both the NRC and the Agreement States reasonable assurance that our common objective of enhancing controls over certain radioactive sources and protecting public health and safety continue to be met. NRC and the Agreement States will inspect licensee implementation of these increased control requirements in an integrated manner, primarily during routine health and safety inspections or commensurate with an inspection prioritization methodology. This approach comports with existing Agreements under Section 274b of the Atomic Energy Act for protection of public health and safety, and is consistent with ongoing national and international efforts to address the potential hazards that could be posed by a loss of control of such radioactive sources.

Implementation of these requirements is a matter of great importance to the NRC and to the Nation. We appreciate your support of this initiative by recently submitting to the NRC, for approval, your proposed legally binding requirement to impose the increased control requirements in anticipation of becoming an Agreement State in calendar year 2006. In the near term, NRC plans to issue the requirements to affected licensees in the State of Minnesota through an immediately effective order based on public health and safety authority. A copy of the Order will be provided to you upon issuance. The State of Minnesota will need to assume responsibility for oversight of the increased controls requirements as an immediate mandatory matter of compatibility, once the Section 274b Agreement between the NRC and Minnesota becomes effective. The NRC Order will convey with the NRC licenses transferred to the State of Minnesota upon the effective date of the Agreement. As these events unfold, we will continue to closely coordinate with you regarding the necessary inspections and other implementation matters.

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- 2 -

As we have discussed, training opportunities for increased controls inspections will begin in early 2006, and will be available to your program staff. I understand that some of your staff plan to attend, and we are working to finalize the training dates. I am enclosing a copy of the letter that we provided to each of the Agreement States on September 2, 2005, which provides additional background information on this subject. Also, we have included Minnesota on an All Agreement State letter dated November 4, 2005, which transmits the inspection prioritization methodology for use by the Agreement States and NRC Regions.

Please confirm by return letter within 30 days, Minnesota's ability and willingness to issue, inspect and enforce the increased controls for affected licenses in Minnesota once the Section 274b Agreement becomes effective. We will work with your staff to ensure a smooth transition from NRC's jurisdiction to that of the State's.

We look forward to continuing our excellent working relationship with the State of Minnesota. If you or your staff have any questions or wish additional information, please contact Mr. Andrew Mauer of my staff at 301-415-3962 or ANM@NRC.GOV.

Sincerely,

/RA/

Janet R. Schlueter, Director
Office of State and Tribal Programs

Enclosure:
As stated

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- 2 -

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