

December 9, 2005

MEMORANDUM TO: Chairman Diaz  
Commissioner McGaffigan  
Commissioner Merrifield  
Commissioner Jaczko  
Commissioner Lyons

FROM: Luis A. Reyes */RA/*  
Executive Director for Operations

SUBJECT: INCREASED CONTROL OF SOURCES FOR MINNESOTA

In the November 3, 2005 Staff Requirements Memorandum for 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 directed the staff to confirm the ability and willingness of Minnesota to inspect and enforce the requirements that implement increased controls prior to finalizing the Section 274b Agreement between the NRC and the State of Minnesota. The staff sent a letter (Enclosure 1) to the State of Minnesota on November 4, 2005, seeking assurance that the State was able and willing to issue, inspect, and enforce the increased controls for affected licensees. In a response (Enclosure 2) dated November 18, 2005, the State of Minnesota committed to issue, inspect, and enforce the increased controls for Minnesota licensees at the time the Section 274b Agreement becomes effective.

In addition, the staff notes that the State of Minnesota submitted legally binding requirements to implement the increased controls on November 17, 2005, and the proposed requirements were approved on November 18, 2005. The staff is working with the State of Minnesota to ensure a smooth transition of the increased controls from NRC's regulatory jurisdiction to the State's.

On a related note, the public comment period on the draft Agreement with Minnesota closed on December 9, 2005. After resolution of all public comments, the staff will forward the proposed final Agreement to the Commission for approval.

Enclosures:  
As stated

cc: SECY  
OGC  
OCA  
OPA  
CFO

CONTACT: Andrew N. Mauer, STP  
301-415-3962

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