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CORRESPONDENCE CONTROL TICKET

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ACTION OFFICE: EDO

To: Schlueter, STP

AUTHOR: Commissioner Gina McCarthy

AFFILIATION: CT

ADDRESSEE: CHRMs Dale Klein

SUBJECT: Concerns Connecticut's intent to regulate byproduct radioactive material

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ACTION: Appropriate

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FILE LOCATION: ADAMS

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STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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September 13, 2006

Gina McCarthy
Commissioner



Chairman Dale E. Klein
US Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Chairman Klein:

Governor Rell has requested that I respond to your letter dated August 18, 2006 requesting information on Connecticut's intent to regulate byproduct radioactive material and enter into an agreement with the US Nuclear Regulatory Commission (NRC) under Section 274b of the Atomic Energy Act (AEA).

For the past several years, the Connecticut Department of Environmental Protection (DEP) has proposed legislation that would allow Connecticut to effectively regulate byproduct radioactive material through an Agreement with the NRC authorized under Section 274b of the AEA. The Department understands and agrees that such action would benefit both the NRC and State of Connecticut. I will be proposing legislation again this session to provide the statutory authority to effectively administer an Agreement State Program. Upon passage, Connecticut intends to enter into an Agreement with the Commission under Section 274b of the AEA, including Section 11e.(3) and 11e.(4) materials. At this time, I cannot provide a specific date by which such an agreement would be completed due to the uncertainty regarding legislative branch action.

Connecticut is aware that not entering into an Agreement with the Commission before August 8, 2008 authority over this radioactive material will result in the transition to the NRC as required by the federal Energy Policy Act of 2005. The passage of the federal Energy Policy Act in 2005 makes it more imperative for the Connecticut General Assembly to pass the necessary authorizing authority.

Given the complexity of an Agreement with the Commission, I respectfully request the NRC provide any assistance it can to help DEP explain the importance and benefits of an Agreement State Program to members of the Connecticut General Assembly, regulated community, and public so we can work together to enable Connecticut to become an Agreement State. Thank you for your support in this endeavor.

Yours truly,

Gina McCarthy
Commissioner

GMC/elw