

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

To: Miller, FSMZ

Date Printed: Oct 04, 2006 15:18

PAPER NUMBER: LTR-06-0500 LOGGING DATE: 10/04/2006
ACTION OFFICE: EDO
AUTHOR: GOV Ruth Minner
AFFILIATION: DE-GOV
ADDRESSEE: Dale Klein
SUBJECT: Delaware's intent not to enter into an agreement with the NRC regarding regulation of certain radioactive materials
ACTION: Appropriate
DISTRIBUTION: RF
LETTER DATE: 09/27/2006
ACKNOWLEDGED: No
SPECIAL HANDLING: Made publicly available in ADAMS via EDO/DPC
NOTES:
FILE LOCATION: ADAMS
DATE DUE: DATE SIGNED:

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STATE OF DELAWARE
OFFICE OF THE GOVERNOR

RUTH ANN MINNER
GOVERNOR

September 27, 2006

The Honorable Dale E. Klein, Ph.D.
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Dr. Klein:

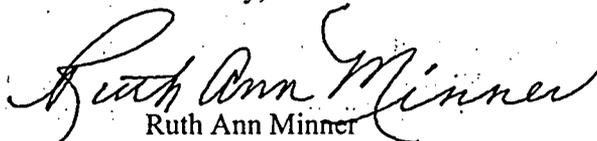
**RE: REQUEST FOR GOVERNORS' CERTIFICATION OF INTENT, EXPANSION OF
BY-PRODUCT RULE, STP-06-077**

This letter is in response to your letter of August 18, 2006, requesting information regarding State of Delaware plans for regulation of certain radioactive materials. The State of Delaware has a regulatory framework for licensing naturally-occurring and accelerator-produced (NARM) radioactive materials. At this time, the State does not intend to enter into an Agreement with the Commission for delegated authority under Section 274b of the Atomic Energy Act of 1954, as amended.

The State of Delaware will retain a registration program for tracking radiation facilities located or operating within the state, as it has for decades, for security and emergency management purposes. However, the State intends to transition primary licensing authority, to include site inspection and enforcement elements for the subject NARM radioactive material licensees, to the U.S. NRC, and will make every reasonable effort to comply with the NRC Final Transition Plan, which is yet to be published.

If you have any questions regarding this matter, please contact the Delaware Division of Public Health, Office of Radiation Control, at (302) 744-4944.

Sincerely,


Ruth Ann Minner
Governor

RAM:mkm

cc The Honorable Vincent P. Meconi, Secretary, DHSS
Jaime H. Rivera, MD, FAAP, Director, DE Division of Public Health
Janet Schlueter, Director, NRC Office of State and Tribal Programs

CHAIRMAN REC'D
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