

March 27 ,2008

ALL AGREEMENT AND NON-AGREEMENT STATES
ALL STATE LIAISON OFFICERS

COMMONWEALTH OF PENNSYLVANIA AGREEMENT (FSME-08-031)

For your information, pursuant to Section 274b. of the Atomic Energy Act of 1954, as amended (Act), entitled "Cooperation With States," the Commission on February 12, 2008, approved an Agreement with the Commonwealth of Pennsylvania. Under the Agreement, the Commonwealth will assume certain regulatory authority over byproduct material in Sections 11e.(1), 11e.(3), and 11e.(4) of the Act, source material, special nuclear material in quantities not sufficient to form a critical mass, and land disposal of all waste for such materials. The Agreement becomes effective March 31, 2008.

By letter dated November 9, 2006, Governor Edward Rendell requested that the Commission enter into a Section 274b. Agreement with the Commonwealth of Pennsylvania. In that letter, Governor Rendell certified that Pennsylvania has a program for the control of the radiation hazards associated with the materials covered by the Agreement which is adequate to protect public health and safety. Governor Rendell further certified that the State desired to assume regulatory responsibility for such materials.

The proposed Agreement, along with a summary of the U.S. Nuclear Regulatory Commission's (NRC) assessment of the proposed Pennsylvania program, was published in the *Federal Register* for public comment as required by Section 274e. of the Act. Copies of the proposed Agreement and supporting documentation were made available for inspection at the Commission's Public Document Room.

The Commission has determined that the Pennsylvania program for the regulation of Agreement materials is adequate to protect public health and safety and is compatible with NRC's program. NRC staff will conduct periodic reviews of the Pennsylvania program using the Integrated Materials Performance Evaluation Program to ensure that the terms of the Agreement continue to be met.

If you have any questions on this correspondence, please contact me or the individual named below.

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FSME-08-031

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