

EDO Principal Correspondence Control

FROM: DUE: / / EDO CONTROL: G20080414
DOC DT: 06/12/08
FINAL REPLY:

Timothy M. Kaine
Commonwealth of Virginia

TO:

Chairman Klein

FOR SIGNATURE OF : ** GRN ** CRC NO: 08-0344

DESC:

Request for Agreement Between NRC and the
Commonwealth of Virginia (EDATS: SECY-2008-0360)

ROUTING:

Borchardt
Virgilio
Mallett
Ash
Ordaz
Cyr/Burns
Reyes, RII
Campbell, OEDO

DATE: 06/19/08

ASSIGNED TO: CONTACT:
FSME Miller

SPECIAL INSTRUCTIONS OR REMARKS:

For Appropriate Action.

EDATS

Electronic Document and Action Tracking System

EDATS Number: SECY-2008-0360

Source: SECY

General Information

Assigned To: FSME

OEDO Due Date: NONE

Other Assignees:

SECY Due Date: NONE

Subject: Request for Agreement Between the NRC and the Commonwealth of Virginia

Description:

CC Routing: Region II

ADAMS Accession Numbers - Incoming: NONE

Response/Package: NONE

Other Information

Cross Reference Number: G20080414, LTR-08-0344

Staff Initiated: NO

Related Task:

Recurring Item: NO

File Routing: EDATS

Agency Lesson Learned: NO

Roadmap Item: NO

Process Information

Action Type: Appropriate Action

Priority: Medium

Signature Level: No Signature Required

Sensitivity: None

Urgency: NO

OEDO Concurrence: NO

OCM Concurrence: NO

OCA Concurrence: NO

Special Instructions: For Appropriate Action.

Document Information

Originator Name: Timothy M. Kaine

Date of Incoming: 6/12/2008

Originating Organization: Commonwealth of Virginia

Document Received by SECY Date: 6/18/2008

Addressee: Chairman Klein

Date Response Requested by Originator: NONE

Incoming Task Received: Letter

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Jun 18, 2008 16:21

PAPER NUMBER: LTR-08-0344 **LOGGING DATE:** 06/18/2008
ACTION OFFICE: EDO

AUTHOR: Dale Kaine
AFFILIATION: VA-GOV
ADDRESSEE: Dale Klein
SUBJECT: Request that an agreement be established between the NRC and the Commonwealth of Virginia regarding regulatory authority for radioactive materials

ACTION: Appropriate
DISTRIBUTION: RF... enclosures available in FSME (M. Orendi)

LETTER DATE: 06/12/2008
ACKNOWLEDGED No
SPECIAL HANDLING: Made publicly available in ADAMS via EDO/DPC

NOTES:
FILE LOCATION: ADAMS

DATE DUE: **DATE SIGNED:**

EDO --G20080414



COMMONWEALTH of VIRGINIA

Office of the Governor

Timothy M. Kaine
Governor

June 12, 2008

The Honorable Dale E. Klein, Chairman
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

Dear Chairman Klein:

I am writing to formally request that an agreement be established between the United States Nuclear Regulatory Commission and the Commonwealth of Virginia as authorized under Section 274b of the Atomic Energy Act of 1954 (herein referred to as the Act), as amended and the Virginia Statutes Section 32.1-235.

Under this agreement the U.S. Nuclear Regulatory Commission will discontinue certain regulatory authority for radioactive materials now under federal jurisdiction and that authority will be assumed by the Commonwealth of Virginia. As provided by Virginia Statutes Section 32.1-228.1, the Virginia Department of Health is the agency responsible for the implementation of the agreement. The specific authority requested is for the following:

- A. By-product materials as defined in Section 11e. (1) of the Act;
- B. By-product materials as defined in Section 11e. (3) of the Act;
- C. By-product materials as defined in Section 11e. (4) of the Act;
- D. Source materials; and
- E. Special nuclear materials in quantities not sufficient to form a critical mass.

The Commonwealth of Virginia at this time is not requesting authority to regulate the extraction or concentration of source material from source material ore and the

The Honorable Dale E. Klein

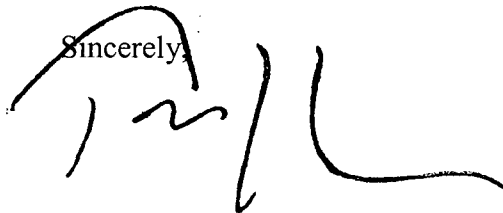
June 12, 2008

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management and disposal of the resulting byproduct material; land disposal of byproduct, source, or special nuclear material waste received from other persons; or the evaluation of radiation safety information on sealed sources or devices containing byproduct, source, or special nuclear materials and the registration of the sealed sources or devices for distribution, as provided for in regulations or orders of the Commission.

I certify that the Commonwealth of Virginia desires to assume regulatory authority and oversight responsibility for such materials listed above, and that the Commonwealth of Virginia has an adequate program for the control of radiation hazards covered by this proposed agreement. Enclosed is the formal application, which contains information as required by the Office of Federal and State Materials and Environmental Management Programs (FSME) procedure; SA-700 'Processing an Agreement'.

Sincerely,

A handwritten signature in black ink, appearing to read 'TK', with a long horizontal flourish extending to the right.

Timothy M. Kaine