

Gabriel, Sandra

From: Donna Janda *RI*
Sent: Thursday, November 13, 2008 11:19 AM
To: Sandra Gabriel
Subject: FW: SRM - SECY-08-0154 - Proposed Agreement Between the Commonwealth of Virginia and the Commission Pursuant to Section 274...
Attachments: FW: SRM - SECY-08-0154 - Proposed Agreement Between the Commonwealth of Virginia and the Commission Pursuant to Section 274...

Welcome back! Well as far as I can tell, no progress has been made on kicking off the review of the NJ Agreement application. I did not receive anything from either Torre or Dennis. Also as far as I know, you are still on the review team. I am going to ask them today about the status of an initial kick off meeting (among other items).

I have attached the SRM on the Virginia application. In Commissioner Lyons' vote on the VA transition, he wanted the Agreement to be amended to include two additional items. Because this would slow down the VA transition and it appeared to have potential "global" impacts on other Agreements, it was agreed that the items would be addressed with the NJ Agreement. Item 4 of the Virginia SRM describes the items that Lyons wanted addressed. OGC is reviewing Lyons' comments to see if all Agreements would need to be amended in the future to incorporate his comments or if there is some other means to address them. Confused? So am I!

B/72

Received: from R1CLSTR01.nrc.gov ([148.184.99.7]) by R1MS01.nrc.gov
([148.184.99.10]) with mapi; Thu, 13 Nov 2008 11:18:47 -0500
Content-Type: application/ms-tnef; name="winmail.dat"
Content-Transfer-Encoding: binary
From: Donna Janda <Donna.Janda@nrc.gov>
To: Sandra Gabriel <Sandra.Gabriel@nrc.gov>
Date: Thu, 13 Nov 2008 11:18:35 -0500
Subject: FW: SRM - SECY-08-0154 - Proposed Agreement Between the
Commonwealth of Virginia and the Commission Pursuant to Section 274...
Thread-Topic: SRM - SECY-08-0154 - Proposed Agreement Between the
Commonwealth of Virginia and the Commission Pursuant to Section 274...
Thread-Index:
Ack/iknpYBIDSHjBTWwDEmpOH69x2QACQyTgAB6G9iAAHpXikAFIpaAQ
Message-ID:
<2856BC46F6A308418F033D973BB0EE72AA544C51AD@R1CLSTR01.nrc.gov>
Accept-Language: en-US
Content-Language: en-US
X-MS-Has-Attach: yes
X-MS-Exchange-Organization-SCL: -1
X-MS-TNEF-Correlator:
<2856BC46F6A308418F033D973BB0EE72AA544C51AD@R1CLSTR01.nrc.gov>
MIME-Version: 1.0

Gabriel, Sandra

From: Trisha Haverkamp on behalf of R1DNMSMAIL RESOURCE
Sent: Thursday, November 06, 2008 10:21 PM
To: James Kottan; Donna Janda
Subject: FW: SRM - SECY-08-0154 - Proposed Agreement Between the Commonwealth of Virginia and the Commission Pursuant to Section 274...
Attachments: SRM-SP08-0154.doc

From: Thomas Williams **On Behalf Of** RidsRgn1MailCenter Resource
Sent: Thursday, November 06, 2008 7:45 AM
To: R1DNMSMAIL RESOURCE; R1ORAMAIL RESOURCE
Subject: FW: SRM - SECY-08-0154 - Proposed Agreement Between the Commonwealth of Virginia and the Commission Pursuant to Section 274...

From: RidsEdoDraftSrmVote Resource
Sent: Wednesday, November 05, 2008 5:11 PM
To: Bill Borchardt; Bruce Mallett; Carmel Savoy; Charles Miller; Darren Ash; Deanna Clarke; Deonna Hester; Dwight Walker; EDO_Staff_Assistants; George Pangburn; Gina Matakas; Gwin Sterling; Jeannie Griffin; Kathleen Blake; Lena Boyd; Loretta Thomas; Lucia Lopez; Lucy Owen; Martin Virgilio; Michael Johnson; Patricia Buckley; Patricia Miles; Rhonda Carmon; RidsAdmMailCenter Resource; RidsFsmeDilr Resource; RidsFsmeOd Resource; RidsHrMailCenter Resource; RidsNmssOd Resource; RidsNroMailCenter Resource; RidsNrrOd Resource; RidsNsrMailCenter Resource; RidsOeMailCenter Resource; RidsOiMailCenter Resource; RidsOIS Resource; RidsResOd Resource; RidsRgn1MailCenter Resource; RidsRgn2MailCenter Resource; RidsRgn3MailCenter Resource; RidsRgn4MailCenter Resource; RidsSbcrMailCenter Resource; RISCAL Resource; Shirley Flory; Vonna Ordaz
Subject: FW: SRM - SECY-08-0154 - Proposed Agreement Between the Commonwealth of Virginia and the Commission Pursuant to Section 274...

From: Antoinette Lewis
Sent: Wednesday, November 05, 2008 4:06 PM
To: Andrew Bates; Anna Bradford; Anne Nicosia; Annette Vietti-Cook; Annie Bennette; Brooke Poole; Carolyn Harves; Carrie Crawford; Chairman Temp; Cindy Rosales-Cooper; Clare Kasputys; Darani Reddick; Doug Weaver; Edwin Hackett; Elizabeth Hayden; Glenda Evans; Howard Benowitz; JAC TEMP; Jack Goldberg; James Beall; James Cutchin; Janet Lepre; Janine Armstrong; Jared Heck; Jeffry Sharkey; John Cordes; John Thoma; Joseph Gray; Josephine Piccone; Joshua Batkin; Karen Cyr; Ken Hart; KLS Temp; Kristine Svinicki; Linda Herr; Lyons Tmp; Maria Schwartz; Michele Kelton; Nancy Fragoyannis; OCA Distribution; OPA Resource; Patrick Castleman; Paul Bollwerk; Paul Dickman; Peter Rabideau; Richard Laufer; Richard Rasmussen; RidsEdoDraftSrmVote Resource; RidsOcaaMailCenter Resource; RidsOcofoMailCenter Resource; RidsOgcMailCenter Resource; RidsOigMailCenter Resource; RidsOipMailCenter Resource; Robert McOsker; Robert Weisman; Rochelle Baval; Roger Davis; Roy Hawkens; Samuel Lee; Sandy Joosten; Sharon Hudson; Steven Baggett; Theron Brown; Thomas Hipschman; Trip Rothschild; Victoria Ibarra; Vonna Ordaz; William Orders
Cc: Darlene Wright; Antoinette Lewis
Subject: SRM - SECY-08-0154 - Proposed Agreement Between the Commonwealth of Virginia and the Commission Pursuant to Section 274...

(ML083100927)

In an effort to keep the NRC staff informed of Commission decisions in a timely manner, attached for your information are the Staff Requirements Memoranda (SRMs) signed by the Secretary on November 5, 2008. Please make additional distribution to interested staff members in your office.

If you have any questions, please give me a call on 415-1969.

November 5, 2008

MEMORANDUM TO: R. W. Borchardt
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS – SECY-08-0154 – PROPOSED
AGREEMENT BETWEEN THE COMMONWEALTH OF VIRGINIA
AND THE COMMISSION PURSUANT TO SECTION 274 OF THE
ATOMIC ENERGY ACT OF 1954, AS AMENDED

The Commission has approved the staff's recommendation to publish the proposed agreement with the Commonwealth of Virginia in the Federal Register once a week for four consecutive weeks, subject to the comments and changes noted below.

1. The Federal Register notice should clearly specify the activities that Virginia is requesting authority to regulate and those activities it is not requesting authority to regulate.
2. The following changes should be made to the Federal Register notice:
 - a. Page 1, 2nd paragraph under "Summary": change first sentence as follows:

"Under the proposed Agreement, the Commission would ~~give up~~ relinquish, and the Commonwealth would assume ~~take over~~, portions of the Commission's regulatory authority exercised within the Commonwealth."
 - b. Appendix A, page 2, ARTICLE II, number 7, the last word should read "persons." not "person."
 - c. Appendix A, page 3, ARTICLE III, first line, change "Article II.A.1" to "Article II.1"
3. The following changes should be made to the Draft Assessment:
 - a. Page 3, Criterion 4, change the last sentence of the 2nd paragraph as follows:

"Like NRC licensees, Commonwealth licensees are required to consider the radiation dose whether the sources are licensed or unlicensed ~~in the possession of a licensee or not.~~"

SECY NOTE: THE SUBJECT SECY PAPER, THE INDIVIDUAL COMMISSIONER VOTES AND THIS SRM WILL BE MADE PUBLICLY AVAILABLE 5 WORKING DAYS AFTER DISPATCH OF THE LETTERS.

b. Page 7, revise the 3rd paragraph of Criterion 13 as follows:

The NRC staff review confirmed that the Commonwealth's regulations provide that only NRC may issue a license authorizing the distribution of agreement materials that will subsequently be exempt from regulatory control ~~may only be issued by the NRC.~~

4. As part of the Commission paper for the New Jersey Agreement, the Staff should include its evaluation and recommendations for resolution of the apparent differences of the standard agreement between a State and the NRC providing for discontinuance of the NRC's regulatory program in relation to Section 274 c. of the Atomic Energy Act and 10 CFR 150.15(a)(6).

cc: Chairman Klein
Commissioner Jaczko
Commissioner Lyons
Commissioner Svinicki
OGC
CFO
OCA
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR