Torre Taylor

From: Joan Olmstead, OGC
Sent: Thursday, January 08, 2009 5:29 PM
To: Duncan White
Cc: Torre Taylor; Dennis Sollenberger; Sean Croston
Subject: Re: Response to FSME's questions regarding VA SRM

OGC

(b)(5)

Ex 5
attorney-client & attorney work product

Information in this record was deleted in accordance with the Freedom of Information Act.
Exemptions Ex. 5
FOIA/PA 2010-0039

H/30

ARTICLE III

With the exception of those activities identified in Article II, paragraphs 1 through 4, this Agreement may be amended, upon application by the State and approval by the Commission, to include one or more of the additional activities specified in Article II, whereby the State may then exert regulatory authority and responsibility with respect to those activities.

ARTICLE IV

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ARTICLE V

This Agreement shall not affect the authority of the Commission under Subsection 161b or 161i of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data, or to guard against the loss or diversion of special nuclear material.

ARTICLE VI

The Commission will cooperate with the State and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against

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