

July 27, 2004

The Honorable Tim Pawlenty
Governor of Minnesota
Saint Paul, Minnesota 55155

Dear Governor Pawlenty:

I am responding on behalf of the United States Nuclear Regulatory Commission (NRC) to your letter of July 6, 2004, requesting that the NRC and the State of Minnesota establish an Agreement pursuant to Section 274b of the Atomic Energy Act of 1954, as amended (Act). Under your proposal, Minnesota would assume regulatory authority over the acquisition, possession, use, and transfer of source material; byproduct material as defined in Section 11e.(1) of the Act; and special nuclear material in quantities not sufficient to form a critical mass.

As required by the Act, the NRC staff is preparing an assessment of the compatibility of the Minnesota program with the NRC's program and the adequacy of Minnesota's program to protect public health and safety. Based upon NRC's procedure for processing Agreements and if no significant issues are identified in the Minnesota application, it will take approximately four months from the date of receipt of the application for the NRC staff to complete this assessment. NRC will publish a summary of the assessment along with the proposed Agreement in the Federal Register for public comment. The Act requires that the notice be published once each week for four consecutive weeks. A press release concerning your request will also be issued at that time. After the expiration of the comment period, the Commission will consider any comments received and make a final decision on your request. We will promptly inform you of our decision.

The Commission is pleased with your interest in becoming an Agreement State. If you have any further questions on this matter, please contact me, or your staff can contact Mr. Paul H. Lohaus, Director, Office of State and Tribal Programs at 301-415-3340.

Sincerely,

/RA/

Nils J. Diaz