

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

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To: Schlueter, STP

AUTHOR: Marilyn Tavenner
AFFILIATION: VA
ADDRESSEE: CHRM Dale Klein

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SUBJECT: Concerns the Commonwealth of Virginia's plans for the regulation of certain radioactive materials

ACTION: Appropriate
DISTRIBUTION:

LETTER DATE: 09/08/2006

ACKNOWLEDGED No

SPECIAL HANDLING: Immediate release to the public via SECY/EDO/DPC

NOTES:

FILE LOCATION: ADAMS

DATE DUE:

DATE SIGNED:



COMMONWEALTH of VIRGINIA

Office of the Governor

Marilyn B. Tavenner
Secretary of Health and Human Resources

September 8, 2006

Mr. Dale E. Klein
Chairman
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Mr. Klein:

This is in reply to your recent letter to Governor Kaine requesting information regarding the Commonwealth of Virginia's plans for the regulation of certain radioactive materials. The Energy Policy Act of 2005 transferred authority for the regulation of these materials from the states to the U.S. Nuclear Regulatory Commission (NRC).

The responses to your three questions follow:

1. Governor Kaine received your letter dated January 31, 2006, acknowledging Governor Warner's letter of intent to request an Agreement with the Commission. It is our intention to include regulatory authority over Section 11e.(3) and 11e.(4) byproduct materials.
2. It is our intention to have an Agreement in effect before August 8, 2009.
3. The Virginia Department of Health (VDH) submitted the draft application on August 21, 2006, to NRC's Office of State and Tribal Program. VDH anticipates submittal of the final application package in calendar year 2008.

Should you need additional information regarding VDH's application for the Agreement, please contact Les Foldesi, Director, Division of Radiological Health, VDH, by telephone at (804) 864-8151, or by email at les.foldesi@vdh.virginia.gov.

Sincerely,

A handwritten signature in cursive script, reading "Marilyn B. Tavenner".

Marilyn B. Tavenner

MBT/lf

COMMONWEALTH of VIRGINIA

Office of the Governor
P.O. Box 1475
Richmond 23218



Dale E. Klein, Chairman
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

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