

SUPPLEMENTAL MATERIAL

IN SUPPORT OF

SECY-08-0008

**SECTION 274b AGREEMENT
COMMONWEALTH OF PENNSYLVANIA**

DRAFT CONGRESSIONAL LETTERS,

DRAFT FEDERAL AGENCY LETTERS,

AND

DRAFT PUBLIC ANNOUNCEMENT

The Honorable Thomas R. Carper
Chairman, Subcommittee on Clean Air
and Nuclear Safety
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

This is to inform you that the U.S. Nuclear Regulatory Commission (NRC) has approved an Agreement with the Commonwealth of Pennsylvania (Pennsylvania) under Section 274 of the Atomic Energy Act of 1954, as amended (the Act). The Agreement authorizes Pennsylvania to assume certain regulatory authority over byproduct materials as defined in Sections 11e.(1), 11e.(3), and 11e.(4) of the Act; source materials; special nuclear materials in quantities not sufficient to form a critical mass; and land disposal of all waste for such materials. The Agreement will become effective on March 31, 2008. Once this Agreement is in place, the Commission will also terminate the time-limited waivers of the requirements in the Energy Policy Act of 2005 granted by the Commission (70 FR 51581; August 31, 2005) to Pennsylvania for byproduct material, as defined in Sections 11e.(3), and 11e.(4) of the Act.

The proposed Agreement, along with a summary of the NRC's assessment of the proposed Pennsylvania program, appeared in the *Federal Register* for public comment as required by Section 274e of the Act. Copies of the proposal and supporting documentation were made available for inspection at the Commission's Public Document Room.

The Commission has determined that the Pennsylvania program for the regulation materials covered by the Agreement is compatible with the Commission's equivalent program and adequate to protect public health and safety. The NRC staff will conduct periodic reviews of the Pennsylvania program to ensure that the terms of the Agreement continue to be met.

Sincerely,

Rebecca L. Schmidt, Director
Office of Congressional Affairs

cc: Senator George V. Voinovich

***Identical letters to be sent to the NRC Oversight Committees and the Pennsylvania Congressional Delegation.**

NRC OVERSIGHT COMMITTEES

The Honorable Rick Boucher
Chairman, Subcommittee on Energy
and Air Quality
Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20515

cc: Representative Fred Upton

The Honorable Peter J. Visclosky
Chairman, Subcommittee on Energy
and Water Development
Committee on Appropriations
United States House of Representatives
Washington, DC 20515

cc: Representative David L. Hobson

The Honorable Byron Dorgan
Chairman, Subcommittee on Energy
and Water Development
Committee on Appropriations
United States Senate
Washington, DC 20510

cc: Senator Pete V. Domenici

The Honorable Joseph I. Lieberman
Chairman, Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, DC 20510

cc: Senator Susan Collins

The Honorable Henry Waxman
Chairman, Committee on Oversight
and Government Reform
United States House of Representatives
Washington, DC 20515

cc: Representative Tom Davis

The Honorable Jeff Bingaman
Chairman, Committee on Energy and Natural Resources
United States Senate
Washington, DC 20510

cc: Senator Pete V. Domenici

The Honorable Barbara Boxer
Chairman, Committee on Environment and Public Works
United States Senate
Washington, DC 20510

cc: Senator James M. Inhofe

The Honorable John D. Dingell
Chairman, Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20515

cc: Representative Joe Barton

**COMMONWEALTH OF PENNSYLVANIA
CONGRESSIONAL DELEGATION**

The Honorable Arlen Specter
United States Senate
Washington, DC 20510

The Honorable Robert P. Casey, Jr.
United States Senate
Washington, DC 20510

The Honorable Jason Altmire
United States House of Representatives
Washington, DC 20515

The Honorable Christopher P. Carney
United States House of Representatives
Washington, DC 20515

The Honorable Mike Doyle
United States House of Representatives
Washington, DC 20515

The Honorable Chaka Fattah
United States House of Representatives
Washington, DC 20515

The Honorable Paul E. Kanjorski
United States House of Representatives
Washington, DC 20515

The Honorable Patrick J. Murphy
United States House of Representatives
Washington, DC 20515

The Honorable John Murtha
United States House of Representatives
Washington, DC 20515

The Honorable Joseph R. Pitts
United States House of Representatives
Washington, DC 20515

The Honorable Allyson Y. Schwartz
United States House of Representatives
Washington, DC 20515

The Honorable Bill Shuster
United States House of Representatives
Washington, DC 20515

The Honorable Robert Brady
United States House of Representatives
Washington, DC 20515

The Honorable Charles W. Dent
United States House of Representatives
Washington, DC 20515

The Honorable Phil English
United States House of Representatives
Washington, DC 20515

The Honorable Jim Gerlach
United States House of Representatives
Washington, DC 20515

The Honorable Tim Holden
United States House of Representatives
Washington, DC 20515

The Honorable Tim Murphy
United States House of Representatives
Washington, DC 20515

The Honorable John E. Peterson
United States House of Representatives
Washington, DC 20515

The Honorable Todd Platts
United States House of Representatives
Washington, DC 20515

The Honorable Joe Sestak
United States House of Representatives
Washington, DC 20515

Mr. Edwin G. Foulke, Jr.
Assistant Secretary of Labor
Occupational Safety and Health
Administration
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Dear Mr. Foulke:

This is to advise the department that the U.S. Nuclear Regulatory Commission (NRC) has approved an Agreement with the Commonwealth of Pennsylvania under Section 274 of the Atomic Energy Act of 1954, as amended. This Agreement transfers to the Commonwealth the Commission's regulatory authority over byproduct material, source material, special nuclear material in quantities not sufficient to form a critical mass, and land disposal of such materials. The Agreement becomes effective on March 31, 2008. Enclosed is a copy of the Agreement for your information.

Sincerely,

Janet R. Schlueter, Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

Enclosure:
As stated

***Identical letters to be sent to DOE, CEQ, FDA, EPA, and DHS.**

Ms. Lisa E. Epifani, Assistant Secretary
Congressional and
Intergovernmental Affairs
U.S. Department of Energy N3641
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Mr. James L. Connaughton, Chairman
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Daniel G. Schultz, M.D.
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Center for Devices and Radiological Health
Food and Drug Administration
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Mr. Robert J. Meyers
Assistant Administrator for Air and Radiation
U.S. Environmental Protection Agency
401 M Street, SW
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Mr. Donald H. Kent, Jr., Director
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Department of Homeland Security
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1800 F Street, NW
Washington, DC 20555