



STATE OF MINNESOTA

Office of Governor Tim Pawlenty

130 State Capitol ♦ 75 Rev. Dr. Martin Luther King Jr. Boulevard ♦ Saint Paul, MN 55155

September 7, 2006

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

Dear Chairman Klein:

I am responding to your August 18, 2006 letter concerning the regulation by Minnesota of certain radioactive materials.

As provided by Minnesota Statutes, §144.1202, the Minnesota Department of Health has established regulatory authority and oversight responsibility for radioactive materials, which in addition to the former definition of byproduct material includes radium and certain other radioactive materials such as those made radioactive in particle accelerators. As such, the Energy Policy Act of 2005 (EPAct) has no impact on Minnesota's program.

I certify that (a) The State of Minnesota has a program for licensing the new byproduct materials that is adequate to protect the public health and safety, as determined by the Commission; and (b) The State of Minnesota intends to continue to implement the regulatory responsibility with respect to the new byproduct materials. The *Agreement Between The United States Nuclear Regulatory Commission and the State of Minnesota For Discontinuance Of Certain Commission Regulatory Authority and Responsibility Within The State* should be considered to include the new byproduct materials without a formal amendment to the Agreement as provided for by § 274 of the Atomic Energy Act of 1954.

If you have any questions concerning this response, please contact John Linc Stine, Director of Environmental Health at the Minnesota Department of Health, P.O. Box 64975, St. Paul, MN 55164-0975, phone number 651-201-4675, or e-mail john.stine@health.state.mn.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Pawlenty".

Tim Pawlenty
Governor

cc: Janet Schlueter, Director Office of State and Tribal Programs