

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

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ACTION OFFICE: EDO

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To: Schlueter, STP

AUTHOR: GOV Tim Pawlenty
AFFILIATION: MN-GOV
ADDRESSEE: CHRM Dale Klein
SUBJECT: Concerns the regulation by Minnesota of certain radioactive materials

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ACTION: Appropriate
DISTRIBUTION: RF

LETTER DATE: 09/07/2006

ACKNOWLEDGED No

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

NOTES:

FILE LOCATION: ADAMS

DATE DUE:

DATE SIGNED:



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:

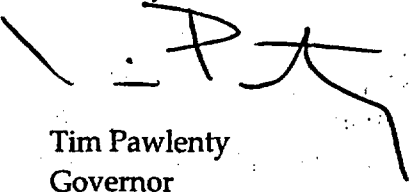
I am responding to your August 18, 2006 letter concerning the regulation by Minnesota of certain radioactive materials.

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,



Tim Pawlenty
Governor

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

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
ST. PAUL, MINNESOTA 55155



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

