

April 11, 2000

Richard O. Burgess  
Box 3577289  
777 Stanton Blvd.  
Ontario, OR 97914

Dear Mr. Burgess:

This letter is in response to your letter dated March 12, 2000, to the Nuclear Regulatory Commission (NRC). In your letter, you asked that the NRC provide you with information concerning the agency's control of certain matters in the State of Oregon. Pursuant to the authority of the Atomic Energy Act of 1954, as amended, and other statutory authorities, the NRC is responsible for regulating civilian use of nuclear reactors and materials throughout the United States. Its mission is to ensure the protection of public health and safety in uses of nuclear materials and technology. The NRC carries out its mission by issuing licenses to and regulating, applicants who meet the requirements for constructing and operating nuclear reactors; for transporting, storing and disposing of nuclear materials and wastes; and for using nuclear materials in medical, academic and industrial applications.

Under Section 274 of the Atomic Energy Act, the NRC may relinquish its authority over certain materials (but not reactors) to "Agreement States." Oregon became an Agreement State in 1965 and assumed the authority to regulate source and byproduct materials and certain small quantities of special nuclear material. The NRC retained its exclusive jurisdiction and authority over all aspects of nuclear reactor regulation. A discussion of the NRC's authority to regulate nuclear reactors and the state's role with regard to reactors is found in Pacific Gas & Electric Co. Et al. v. State Energy Resources Conservation and Development Commission Et. al., a decision of the United States Supreme Court. Enclosed is a copy of this decision.

Sincerely,

**/RA/**

Trip Rothschild  
Assistant General Counsel for Legal Counsel,  
Legislation and Special Projects

Enclosure: As stated