

March 24, 2005

The Honorable James M. Talent
United States Senate
Three City Place Drive, Suite 1020
St. Louis, Missouri 63141

Dear Senator Talent:

This is in response to your February 9, 2005, letter to Mr. Dennis K. Rathbun, in reference to your constituent's correspondence to you on the ABC Management Company's property in the State of California. We have shared your letter with the California Department of Health Services, Radiologic Health Branch (RHB), and requested that they provide a response to your constituent (enclosed). We are also working with RHB staff to provide technical assistance to help address your constituent's concerns.

In 1962, California entered into an agreement with the Atomic Energy Commission, our predecessor agency, that relinquished Federal authority over certain types of radioactive material, pursuant to Section 274b of the Atomic Energy Act, as amended. This agreement made California an Agreement State with the U.S. Nuclear Regulatory Commission (NRC) and gave them regulatory primacy over the type of radioactive material discussed in your constituent's correspondence. There are currently 33 Agreement States in the United States. Agreement States are responsible for individual licensing actions in their respective States. NRC continues to exercise oversight responsibility over Agreement State programs. The oversight responsibility is implemented through our Integrated Materials Performance Evaluation Program, where we typically review Agreement State licensing and inspection program performance. We are in routine communications with RHB staff and will continue to provide technical assistance, as requested by RHB, to address your constituent's concerns. Please let us know if we can be of further assistance.

Sincerely,

/RA/

Luis A. Reyes
Executive Director
for Operations

Enclosure:
As stated

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***See previous concurrence.**

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