

April 12, 2005

Raymond A. Guilmette, Ph.D.
President, Health Physics Society
Los Alamos National Laboratory
MS E546, HSR-12
Los Alamos, NM 87545

Mr. Jared W. Thompson
Chair, Organization of Agreement States
Arkansas Department of Health
Radioactive Materials Program
4815 W. Markham Mail Slot 30
Little Rock, AR 72205

Gentlemen:

I am responding to your January 14, 2005 letter to Chairman Diaz. In that letter, you transmitted a Joint Position Statement by the Organization of Agreement States and the Health Physics Society concerning the regulation of radioactive material. The Commission is very appreciative of the interest your organizations have shown in this matter.

After giving careful consideration to the Position Statement you sent to Chairman Diaz and the additional information you provided during the March 23, 2005 telephone conference with the Commissioners' Assistants, the Commission has decided that it would continue to support, with minor changes, the positions embodied in the legislative proposal that we sent to the States in December. That proposal (enclosed) was included in a larger package of legislative proposals that Chairman Diaz recently sent to the Congress on behalf of the Commission. A copy of the proposed language, including the provision in question as it now reads, is on the U.S. Nuclear Regulatory Commission public web site in the Agencywide Documents Access and Management System (ADAMS). The accession number is ML050900404. Section 105 addresses the Coverage of Accelerator-Produced and Other Radioactive Material in Definition of Byproduct Material.

If you have any questions, please contact me at 301-415-3340, or Mr. Richard Blanton of my staff at 301-415-2322.

Sincerely,

/RA/
Paul H. Lohaus, Director
Office of State and Tribal Programs

Enclosure:
As stated

cc w/o Enclosure: Agreement States

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