

To: Schlueter, STP

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

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AUTHOR: GOV John Lynch
AFFILIATION: NH-GOV
ADDRESSEE: Dale Klein

SUBJECT: Responds to 8/18/06 req for info re the state of New Hampshire's plans for the regulation of certain radioactive materials, specifically, naturally occurring and accelerator-produced radioactive materials (NARM)

ACTION: Appropriate
DISTRIBUTION: RF

LETTER DATE: 08/31/2006

ACKNOWLEDGED No

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NOTES:

FILE LOCATION: ADAMS

DATE DUE:

DATE SIGNED:



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August 31, 2006

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

Dear Chairman Klein:

Thank you for your letter dated August 18, 2006, requesting information regarding the state of New Hampshire's plans for the regulation of certain radioactive materials, specifically, naturally occurring and accelerator-produced radioactive materials (NARM). We are aware that with the enacting of the Energy Policy Act of 2005 (EPAct), the authority of the Nuclear Regulatory Commission (NRC) was expanded to regulate these materials, whereas previously, sole authority rested with each of the individual states.

Since April 1966, when the state of New Hampshire entered into its Agreement with the then U.S. Atomic Energy Commission (AEC) pursuant to Section 274b of the Atomic Energy Act of 1954, as amended, the state has regulated *all* radioactive material, including these so-called NARM materials, uniformly, and in conformance with the existing radiation protection standards as contained in Title 10, Code of Federal Regulations. The authority to regulate these materials are already currently covered under our current radiation control statute and covered under our current rules.

Therefore, in response to your inquiry, please be aware that it is our intention to continue to regulate the subject materials under our existing Agreement with the NRC, and that I do expect, when requested, to submit certification to the NRC that New Hampshire has a program for licensing the new byproduct materials that is adequate to protect the public health and safety, and that New Hampshire intends to continue to implement the regulatory responsibility of the State with respect to the new byproduct materials.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

John H. Lynch
Governor

CHAIRMAN REC'D
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