

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

Date Printed: Sep 19, 2006 15:47

PAPER NUMBER: LTR-06-0462  
ACTION OFFICE: EDO

LOGGING DATE: 09/19/2006

To: Schlueter, STP

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

cys: EDO  
DEDMRS  
DEDR  
DEDIA  
AO  
RV

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](mailto:john.stine@health.state.mn.us).

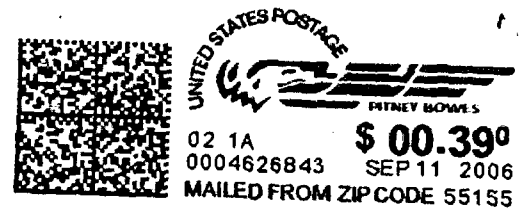
Sincerely,

A handwritten signature in black ink, appearing to read "Tim Pawlenty".

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

