





Rod R. Blagojevich, Governor

William C. Burke, Director

September 29, 2006

Dr. Dale Klein, Commissioner  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dear Commissioner Klein:

I have been asked to respond to your letter dated August 18, 2006, on behalf of Governor Rod Blagojevich. In your letter you request information related to the expanded authority of the U.S. Nuclear Regulatory Commission (NRC) to regulate radium and certain other radioactive materials, such as those made radioactive in particle accelerators. This expanded authority, promulgated on August 8, 2005 under the Energy Policy Act of 2005 (EPAct), added paragraphs (3) and (4) to the definition of "byproduct material" in Section 11e. of the Atomic Energy Act of 1954 (AEA). With the recent amendment of the AEA, NRC now has the authority over these additional radioactive materials, which are commonly referred to as Naturally Occurring and Accelerator Produced Radioactive Materials or NARM.

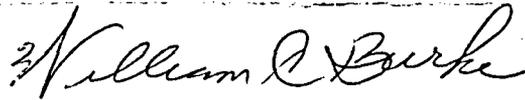
Please note that the State of Illinois has had an effective radiation control regulatory program in place since 1974 for NARM. In addition to the NARM regulated radioactive material, in 1987, Illinois became an NRC Agreement State under the authority of Section 274 of the AEA. This resulted in Illinois being granted the authority for all radioactive material regulation in Illinois, with the exception of nuclear power plants and fuel-cycle facilities. We take great pride in our efforts, and I believe we have one of the most effective radiation control regulatory programs in the country to ensure the protection of the public health and environment from unnecessary exposure to ionizing radiation.

In regards to NARM specifically, and the orderly transition of authority as required under the EPAct, please note that Illinois intends to use the Governor Certification provision authorized under Section 651(e) of the EPAct. The certification will confirm that the State of Illinois has long had an effective program for regulating NARM that is adequate to protect public health and safety, and the State intends to continue our program. We understand that the submission of the Governor's Certification to the NRC will preclude the need for a formal amendment of our existing Agreement with the NRC.

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CHAIRMAN REC'D

Please note that if you have any questions or if we can be of any assistance to the NRC as you develop your national program for NARM, please contact us. Illinois and all the states are rich with decades of knowledge and experience concerning the effective regulation of NARM, and we look forward to working together to ensure an effective national strategy for this material. All citizens of our great country expect and deserve such effective regulation, and we are committed to providing such in Illinois and assisting the NRC in your national effort. Please contact me if questions.

Sincerely,

A handwritten signature in black ink, reading "William C. Burke". The signature is written in a cursive style with a large, prominent initial "W".

William C. Burke  
Director