

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

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ACTION OFFICE: EDO

To: Miller, FSME

AUTHOR: GOV Bob Taft

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AO  
R111

AFFILIATION: OH-GOV

ADDRESSEE: Dale Klein

SUBJECT: Concerns the licensing of certain naturally occurring and accelerator produced radioactive materials ...

ACTION: Appropriate

DISTRIBUTION: RF

LETTER DATE: 12/01/2006

ACKNOWLEDGED No

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**BOB TAFT**  
GOVERNOR  
STATE OF OHIO

December 1, 2006

The Honorable Dale E. Klein, Ph.D., Chairman  
United States Nuclear Regulatory Commission  
Washington, DC 20555

Dear Dr. Klein:

The purpose of this letter is to comply with the provisions of Section 651(e) of the Energy Policy Act of 2005, regarding the licensing of certain naturally occurring and accelerator produced radioactive materials now defined as byproduct material in Sections 11e.(3) and 11e.(4) of the Atomic Energy Act of 1954, as amended.

In 1999, the state of Ohio entered into an Agreement with the Commission under Section 274b. of the Atomic Energy Act of 1954, as amended. Under that Agreement, Ohio licenses byproduct material as defined in Section 11e.(1) of the Atomic Energy Act. In addition, Ohio licenses the naturally occurring and accelerator produced radioactive materials now defined as byproduct material.

Our program for licensing the new byproduct material is not separate and distinct from the program for licensing 11e.(1) byproduct material, and no changes have been made to the licensing program that would impact the previous IMPEP finding of adequacy. Further, we intend to continue to license the new byproduct material under this same program. Accordingly, I certify to the Commission that the state of Ohio has a program for licensing byproduct material, as defined in paragraph (3) or (4) of Section 11e. of the Atomic Energy Act of 1954, as amended, that is adequate to protect the public health and safety, and that the state of Ohio intends to continue to implement our regulatory responsibility with respect to the byproduct material.

This certification is effective on the date of publication of the NRC's "Plan for the Transition of Regulatory Authority Resulting from the Expanded Definition of Byproduct Material."

Sincerely,

A handwritten signature in black ink that reads "Bob Taft".

Bob Taft  
Governor

BT:mt

cc: J. Nick Baird, M.D., Director of Health