

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

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ACTION OFFICE: EDO

AUTHOR: GOV Christine Gregoire

AFFILIATION: WA-GOV

ADDRESSEE: CHRM Dale Klein

SUBJECT: Provisions of Section 651(e) of the Energy Policy Act of 2005

ACTION: Appropriate

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LETTER DATE: 01/19/2007

ACKNOWLEDGED No

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NOTES:

FILE LOCATION: ADAMS

DATE DUE:

DATE SIGNED:

To: Miller, FSME

CYS: EDO  
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AO  
RIV

CHRISTINE O. GREGOIRE  
Governor



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

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January 19, 2007

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

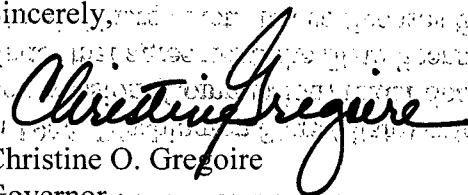
Dear Dr. Klein:

The purpose of this letter is to comply with the provisions of Section 651(e) of the Energy Policy Act of 2005. As you are aware, these provisions pertain to 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 1966, Washington State (State) entered into an agreement with the U.S. Nuclear Regulatory Commission (Commission) under Section 274b. of the Atomic Energy Act of 1954, as amended. Under that agreement, the State licenses byproduct material as defined in Section 11e.(1) of the Atomic Energy Act. It also licenses the naturally occurring and accelerator produced radioactive materials now defined as byproduct material.

The State's program for licensing the new byproduct material is not separate and distinct from the program for licensing 11e.(1) byproduct material. No changes have been made to the licensing program that would impact the previous finding of adequacy under the Integrated Materials Performance Evaluation Program, and the State intends to continue licensing the new byproduct material under this same program.

Accordingly, I certify that the State 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 public health and safety. I also certify that the State intends to continue to implement its regulatory responsibility with respect to the byproduct material. This certification is effective on the date of publication of the Commission's "Plan for the Transition of Regulatory Authority Resulting from the Expanded Definition of Byproduct Material."

Sincerely,  
  
Christine O. Gregoire  
Governor

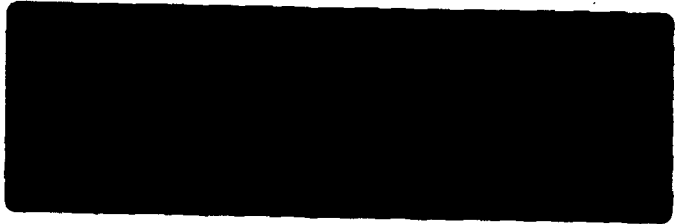




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