

EDO Principal Correspondence Control

FROM: DUE: 10/06/06 EDO CONTROL: G20060781
DOC DT: 08/31/06
FINAL REPLY:

Aubrey V. Godwin
Arizona Radiation Regulatory Agency

TO:

Chairman Klein

FOR SIGNATURE OF :

** GRN **

CRC NO: 06-0459

Schlueter, STP

DESC:

Regulate Radium and Other Radioactive Materials
Made Radioactive by Particle Accelerators

ROUTING:

Reyes
Virgilio
Kane
Silber
Johnson
Strosnider, NMSS
Mallett, RIV

DATE: 09/15/06

ASSIGNED TO:

CONTACT:

STP

Schlueter

SPECIAL INSTRUCTIONS OR REMARKS:

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Sep 15, 2006 10:28

PAPER NUMBER: LTR-06-0459 LOGGING DATE: 09/14/2006
ACTION OFFICE: EDO

AUTHOR: Aubrey Godwin
AFFILIATION: AZ
ADDRESSEE: CHRM Dale Klein
SUBJECT: Ref NRC's ltr of 8/18/06 to Gov Napolitano, re their plans to reg radium and other radioactive materials made radioactive by particle accelerators

ACTION: Appropriate
DISTRIBUTION: RF

LETTER DATE: 08/31/2006
ACKNOWLEDGED: No
SPECIAL HANDLING: Immediate release via SECY/EDO/DPC

NOTES:
FILE LOCATION: ADAMS

DATE DUE: DATE SIGNED:

EDO --G20060781



Janet Napolitano
Governor

Aubrey V. Godwin
Director

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(602) 255-4845
Fax (602) 437-0705

August 31, 2006

Dale E. Klien, Ph. D., Chairman
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dear Chairman Klien:

Thank you for your letter of August 18, 2006 to Governor Napolitano, regarding our plans to regulate radium and other radioactive materials made radioactive by particle accelerators. This reply is on her behalf. Arizona currently regulates these materials to the same standards as all other byproduct materials.

To specifically respond to the questions posed in Enclosure 1 of your letter:

1. Do you expect to submit a certification to the Commission, as provided in section 651(e) of the Energy Policy Act of 2005, to allow your State to continue to regulate the radioactive materials now defined as byproduct material?

RESPONSE: Yes

2. If you do not expect to submit a certification, do you anticipate requesting an amendment to your agreement?

RESPONSE: See response to 1.

3. If you do not expect to either submit a certification, or request an amendment to your Agreement, please confirm that you understand that the authority over these materials will transition to the NRC as required by the Energy Policy Act.

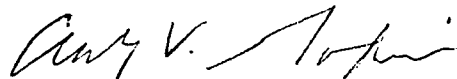
RESPONSE: I understand that the State of Arizona will lose jurisdiction over these materials if we do not properly certify or amend our Agreement with the Commission.

Dale E. Klein, Ph.D
August 31, 2006

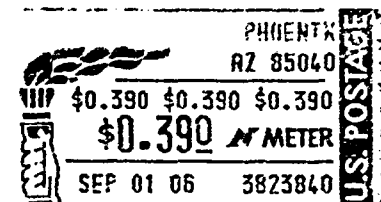
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Thank you for notifying us of these new federal requirements that may affect our regulatory program. If you have any questions about this response please contact me at 602-255-4845x222.

Sincerely

A handwritten signature in cursive script, appearing to read "Aubrey V. Godwin".

Aubrey V. Godwin, M.S., CHP.
Director



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

