

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

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To: Miller, FSME

AUTHOR: Kendl Philbrick
AFFILIATION: MD
ADDRESSEE: Dale Klein
SUBJECT: Maryland's intent to regulate certain radioactive materials

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ACTION: Appropriate
DISTRIBUTION: RF

LETTER DATE: 10/11/2006

ACKNOWLEDGED No

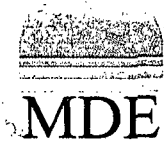
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MARYLAND DEPARTMENT OF THE ENVIRONMENT

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Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Kendl P. Philbrick
Secretary

Jonas Jacobson
Deputy Secretary

October 11, 2006

Mr. Dale E. Klein, Chairman
United States Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Mr. Klein:

Thank you for your correspondence to Governor Robert L. Ehrlich, Jr. regarding the State's plan for the regulation of certain radioactive materials. The Governor received your letter and asked that I, as Secretary of the Maryland Department of the Environment (MDE), respond on his behalf.

MDE appreciates the opportunity to support the implementation of the Energy Policy Act of 2005 (EPAct). As an Agreement State since 1971, Maryland has regulated all radioactive material under the same criteria. The Nuclear Regulatory Commission's (NRC) mandated inclusion of naturally occurring and accelerator produced radioactive materials (NARM), as by-product material will require no procedural changes in Maryland's regulation.

Maryland's plan is to certify that the State of Maryland has a program for licensing the new by-product materials that is adequate to protect the public health and safety, as determined by the Commission, and intends to continue to implement the regulatory responsibility of the State with respect to the new by-product materials.

Thank you, again, for your letter. The Governor appreciates hearing from you, and on his behalf, I thank you for your interest into this very important matter. If you have additional concerns or questions, please contact me or George (Tad) S. Aburn, Director of Air and Radiation Management Administration at 410-537-3255, toll free 800-633-6101, or via email gaburn@mde.state.md.us. He will be pleased to assist you.

Very truly yours,

Kendl P. Philbrick
Secretary

cc: George (Tad) S. Aburn, Jr., Director, Air and Radiation Management Administration
The Maryland Department of the Environment (MDE)

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