

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

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ACTION OFFICE: EDO

To: Miller, FSME

AUTHOR: Mike Huckabee

AFFILIATION: AR-GOV

ADDRESSEE: Dale Klein

SUBJECT: Arkansas' intent to regulate certain radioactive materials

CYS: EDO
DEDMRS
DEDR
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AO
RIV

ACTION: Appropriate

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LETTER DATE: 11/06/2006

ACKNOWLEDGED No

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NOTES:

FILE LOCATION: ADAMS

DATE DUE:

DATE SIGNED:



STATE OF ARKANSAS
OFFICE OF THE GOVERNOR

Mike Huckabee
Governor

November 6, 2006

The Honorable Dale E. Klein, Ph.D., Chairman
U.S. Nuclear Regulatory Commission
11555 Rockville Pike, Mail Stop 0-16 C1
Rockville, Maryland 20852-2738

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 materials in Section 11e.(3) and 11e.(4) of the Atomic Energy Act of 1954 as amended.

On May 21, 1963, Arkansas entered into an Agreement with the Commission under Section 274b. of the Atomic Energy Act of 1954, as amended. Under that Agreement, the State of Arkansas licenses byproduct material as defined in Section 11e.(1) of the Atomic Energy Act. In addition, Arkansas has historically and currently licenses the naturally occurring and accelerator produced radioactive materials now defined as byproduct material in the Energy Policy Act of 2005.

The Radioactive Materials 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 Integrated Material Performance Evaluation Plan (IMPEP) finding of adequacy. Further, we intend to continue to license the new byproduct material under the same program.

Accordingly, I certify to the Commission that our 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. I also certify this program is adequate to protect public health and safety and we intend to continue our regulatory responsibility with respect to the byproduct material.

This certification is effective on the date of publication of the U.S. Nuclear Regulatory Commission's (NRC) "*Plan for the Transition of Regulatory Authority Resulting from the Expanded Definition of Byproduct Material.*"

If you should have any specific questions or need any information regarding the adequacy of the Arkansas Radioactive Materials Program, please contact Jared Thompson, Arkansas Department of Health and Human Services (ADHHS), Division of Health, at 501-661-2173.

Sincerely yours,

A handwritten signature in black ink that reads "Mike Huckabee". The signature is written in a cursive, flowing style.

Mike Huckabee

MH;jd:kh

cc: Janet R. Schlueter, Director
USNRC, Division of Material Safety and State Agreements
Jared W. Thompson, Program Manager, ADHHS,
Division of Health, Radioactive Materials Program