

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

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To: Miller, FSME

AUTHOR: Kenny Guinn

AFFILIATION: NV-GOV

ADDRESSEE: Dale Klein

SUBJECT: Licensing of radioactive byproduct materials

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ACTION: Appropriate

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OFFICE OF THE GOVERNOR

KENNY C. GUINN
Governor

November 13, 2006

The Honorable Dale E. Klein, Ph.D.
Chairman
United States Nuclear Regulatory Commission
Washington, DC 20555-0001

Re: Licensing of Radioactive Byproduct Materials

Dear Chairman Klein:

The purpose of this letter is to confirm Nevada's compliance 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 1972, the State of Nevada entered into an agreement with the 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. In addition, the state licenses the naturally-occurring and accelerator-produced radioactive materials now defined as byproduct material.

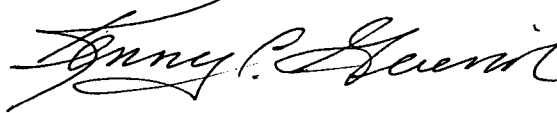
The Nevada program for licensing the new byproduct material is not separate and distinct from the program for licensing 11e.(1) byproduct material, and no changes have been made to the licensing program that would impact the previous Integrated Material Performance Evaluation Program (IMPEP) finding 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 Nevada 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 intends to continue to implement our regulatory responsibility with respect to the byproduct material.

The Honorable Dale E. Klein, Ph.D.
November 13, 2006
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This certification is effective on the date of publication of the Nuclear Regulatory Commission's "Plan for the Transition of Regulatory Authority Resulting from the Expanded Definition of Byproduct Material."

Sincerely,

A handwritten signature in cursive script, appearing to read "Kenny C. Guinn".

KENNY C. GUINN
Governor

RLoux/rc

cc: Robert R. Loux, Executive Director, Nevada Nuclear Projects Office
Alex Haartz, Administrator, Nevada Division of Health
Stan Marshall, Acting Bureau Chief, Nevada Division of Health