

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

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ACTION OFFICE: EDO

To: Miller, FSME

AUTHOR: George Pataki

AFFILIATION: NY-GOV

ADDRESSEE: Dale Klein

SUBJECT: State certification of compliance w/Sec. 651 of the EPAct of 2005..bpr product material

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ACTION: Appropriate

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FILE LOCATION: ADAMS

DATE DUE:

DATE SIGNED:



STATE OF NEW YORK

December 13, 2006

GEORGE E. PATAKI
GOVERNOR

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 material in Sections 11e.(3) and 11e.(4) of the Atomic Energy Act of 1954, as amended.

In 1962, the State of New York 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 and regulates 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.

Our program for licensing the newly designated 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 negatively impact the previous IMPEP finding of adequacy. Further, New York intends to continue to license the newly designated byproduct material under this same program.

Accordingly, I certify to the Commission that the State of New York 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 such byproduct material.

This certification is effective on the date of publication of the NRC's "Plan for the Transition of Regulatory Authority Resulting from the Expanded Definition of Byproduct Material."

Very truly yours

Honorable Dale E. Klein, Ph.D.
Chairman
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

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