

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

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ACTION OFFICE: EDO

AUTHOR: Theodore Kulongoski

AFFILIATION: OR-GOV

ADDRESSEE: CHRМ Dale Klein

SUBJECT: Provisions of Section 651(e) of the Energy Policy Act of 2005

ACTION: Appropriate

DISTRIBUTION: RF

LETTER DATE: 01/26/2007

ACKNOWLEDGED No

SPECIAL HANDLING: Made publicly available in ADAMS via EDO/DPC

NOTES:

FILE LOCATION: ADAMS

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DATE SIGNED:

To: Miller, FSME

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THEODORE R. KULONGOSKI
Governor

January 26, 2007

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

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 1965, the State of Oregon 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 Oregon licenses byproduct material as defined in Section 11e.(1) of the Atomic Energy Act. In addition, the State of Oregon licenses the naturally occurring and accelerator produced radioactive materials now defined as byproduct material.

Our 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 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 Oregon 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. I also certify that the State intends to continue regulatory responsibility with respect to this byproduct material.

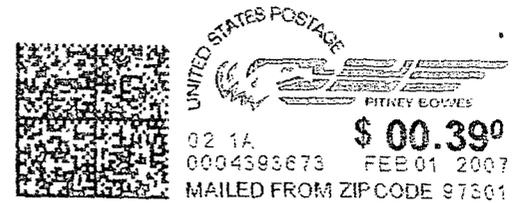
This certification is effective on the date of publication of the NRC's "Plan for the Transition of Regulatory Authority Resulting from the Expanded Definition of Byproduct Material."

Sincerely,

A handwritten signature in black ink, appearing to read "Theodore R. Kulongoski".
THEODORE R. KULONGOSKI
Governor

TRK: rs

STATE OF OREGON
OFFICE OF THE GOVERNOR
900 COURT ST NE, RM 254
SALEM, OR 97301-4047



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

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