

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

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ACTION OFFICE: EDO

To: Miller, FSME

AUTHOR: GOV Ernie Fletcher

AFFILIATION: KY-GOV

ADDRESSEE: CHRМ Dale Klein

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

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ACTION: Appropriate

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LETTER DATE: 01/24/2007

ACKNOWLEDGED No

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NOTES:

FILE LOCATION: ADAMS

DATE DUE:

DATE SIGNED:



COMMONWEALTH OF KENTUCKY
OFFICE OF THE GOVERNOR

ERNIE FLETCHER
GOVERNOR

January 24, 2007

700 CAPITAL AVENUE
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FRANKFORT, KY 40601
(502) 564-2611
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Dale E. Klein, PhD, Chairman
United States Nuclear Regulatory Commission
Washington, DC 20555

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 1992, the Commonwealth of Kentucky entered into an Agreement with the Commission under Section 274b. of the Atomic Energy Act of 1954, as amended. Under that Agreement, Kentucky licenses byproduct material as defined in Section 11e.(1) of the Atomic Energy Act. In addition, the Commonwealth 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 Integrated Materials 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 Commonwealth of Kentucky 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 Commonwealth intends to continue to implement our regulatory responsibility with respect to the byproduct material.

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." Please feel free to contact me if you have questions.

Sincerely,

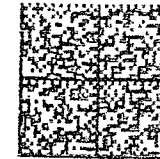
A handwritten signature in black ink that reads "Ernie Fletcher".
Ernie Fletcher

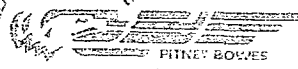
The logo for "Kentucky UNBRIDLED SPIRIT" featuring the word "Kentucky" in a stylized font with a horse head silhouette, and "UNBRIDLED SPIRIT" in a smaller font below it.
Kentucky
UNBRIDLED SPIRIT



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