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CORRESPONDENCE CONTROL TICKET

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ACTION OFFICE: EDO

To: Miller, FSME

AUTHOR: Michael Easley

AFFILIATION: NC-GOV

ADDRESSEE: CHRM Dale Klein

SUBJECT: Concerns program for licensing byproduct material

CYS:
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ACTION: Appropriate

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LETTER DATE: 02/08/2007

ACKNOWLEDGED Yes

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NOTES:

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DATE SIGNED:



STATE OF NORTH CAROLINA
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MICHAEL F. EASLEY
GOVERNOR

February 8, 2007

The Honorable Dale E. Klein, Ph.D., Chairman
U.S. 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 1964, the State of North Carolina 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.

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 North Carolina has a program for licensing byproduct material, as defined in paragraph (3) or (4) of Section 11c. 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.

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."

With kindest regards, I remain

Very truly yours,

A handwritten signature in black ink that reads "Mike Easley".

Michael F. Easley

MFE:lj1

CC: Terry L. Pierce, DEH
Beverly Hall, DEH – Radiation Protection