

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

To: Miller, FSMZ

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ACTION OFFICE: EDO

AUTHOR: GOV Charlie Crist

AFFILIATION: FL-GOV

ADDRESSEE: CHRM Dale Klein

SUBJECT: Concerns the provisions of Sec. 651 of the EPAct of 2005, regarding the licensing of certain naturally occurring and accelerator produced radioactive materials

ACTION: Appropriate

DISTRIBUTION: RF

LETTER DATE: 04/12/2007

ACKNOWLEDGED: No

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NOTES:

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April 12, 2007

The Honorable Dale E. Klein, Ph.D., 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 1964, the State of Florida entered into an agreement with the Commission under Section 274b. of the Atomic Energy Act of 1954, as amended. Under that agreement, Florida licenses byproduct material as defined in Section 11e.(1) of the Atomic Energy Act. In addition, Florida 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 Material Performance Evaluation Program 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 Florida 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.

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."

If you have any questions please contact, William Passetti, Chief, Bureau of Radiation Control, Department of Health at (850) 245-4266.

Sincerely,

A handwritten signature in black ink that reads "Charlie Crist".

Charlie Crist

CC/doh/wap