

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

Date Printed: Apr 23, 2007 14:47

PAPER NUMBER: LTR-07-0269  
ACTION OFFICE: EDO

LOGGING DATE: 04/23/2007

To: Miller, FSME

AUTHOR: GOV Kathleen Blanco  
AFFILIATION: LA-GOV  
ADDRESSEE: Dale Klein  
SUBJECT: Energy Policy Act of 2005

cys: EDO  
DEDMRS  
DEDR  
DEDIA  
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ACTION: Appropriate  
DISTRIBUTION: RF

LETTER DATE: 04/18/2007

ACKNOWLEDGED No

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

NOTES:

FILE LOCATION: ADAMS

DATE DUE:

DATE SIGNED:



KATHLEEN BABINEAUX BLANCO  
GOVERNOR

April 18, 2007

State of Louisiana

OFFICE OF THE GOVERNOR

Baton Rouge

70804-9004

VIA FACSIMILE: 301/415-3502

Attention: Ms. Janet Schlueter, Director

Division of Materials Safety and State Agreements

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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 1967, the state of Louisiana 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 Louisiana licenses byproduct material as defined by Section 11e.(1) of the Atomic Energy Act. In addition, the state of Louisiana 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 Louisiana 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 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".

Sincerely,

Kathleen Babineaux Blanco  
Governor

jw

c: Secretary Mike D. McDaniel, Ph.D., Louisiana Department of Environmental Quality