

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

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ACTION OFFICE: EDO

To: Miller, FSME

AUTHOR: GOV Donald Carcieri

AFFILIATION: RI-GOV

ADDRESSEE: Dale Klein

SUBJECT: Energy Policy Act of 2005

CYSI EDO
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ACTION: Appropriate

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LETTER DATE: 05/18/2007

ACKNOWLEDGED No

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NOTES:

FILE LOCATION: ADAMS

DATE DUE:

DATE SIGNED:



State of Rhode Island and Providence Plantations
State House
Providence, Rhode Island 02903-1196
401-222-2080

Donald L. Carcieri
Governor

May 18, 2007

Dr. 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 1980, the State of Rhode Island and Providence Plantations 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 Rhode Island and Providence Plantations 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.

May 18, 2007
Dr. Dale E. Klein, Ph.D.
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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 "Donald L. Carcieri". The signature is fluid and cursive, with a long horizontal stroke at the end.

Donald L. Carcieri
Governor

cc: Janet Schlueter, NRC (Director-STP)
James Kottan, NRC (RSAO-Region I)
David R. Gifford, MD, MPH, Director of Health