

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

Date Printed: Jun 14, 2007 11:04

PAPER NUMBER: LTR-07-0409

LOGGING DATE: 06/13/2007

ACTION OFFICE: EDO

To: Miller, FSME

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SUBJECT: Energy Policy Act of 2005

ACTION: Appropriate

DISTRIBUTION: RF

LETTER DATE: 06/07/2007

ACKNOWLEDGED No

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

NOTES:

FILE LOCATION: ADAMS

DATE DUE:

DATE SIGNED:

# STATE OF COLORADO

1160

## OFFICE OF THE GOVERNOR

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Bill Ritter, Jr.  
Governor

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.

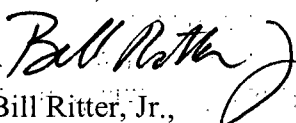
The State of Colorado entered into an Agreement in 1968, amended in 1982, with the Commission under Section 274b. of the Atomic Energy Act of 1954, as amended. Under that Agreement, as amended, the State licenses byproduct material as defined in Sections 11e.(1) and 11e.(2) of the Atomic Energy Act. 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 U.S. Nuclear Regulatory Commission (NRC) 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 State of Colorado 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 NRC's "Plan for the Transition of Regulatory Authority Resulting from the Expanded Definition of Byproduct Material."

Respectfully,

  
Bill Ritter, Jr.,  
Governor

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CHAIRMAN RECD