

November 30, 2007

ALL AGREEMENT AND NON-AGREEMENT STATES
STATE LIAISON OFFICERS

APPROVAL OF AGREEMENT STATE GOVERNOR CERTIFICATIONS (FSME-07-107)

Purpose: To provide notification that on November 30, 2007, Dr. Dale E. Klein, Chairman of the U.S. Nuclear Regulatory Commission (NRC or Commission) approved the certifications provided by the Governors of the 34 Agreement States that were submitted in order to comply with the provisions of Section 651(e) of the Energy Policy Act of 2005 (EPAAct). No response to this letter is requested.

Discussion: The Commission has determined that the States listed below have a program to license byproduct material, as defined in Sections 11e.(3) and (4) of the Atomic Energy Act of 1954, as amended (AEA), that is adequate to protect the public health and safety. This determination is based on certifications provided to the Commission by Governors of these States.

Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Iowa, Illinois, Kansas, Kentucky, Louisiana, Massachusetts, Maine, Maryland, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Utah, Washington, and Wisconsin.

The certifications were provided in accordance with a Plan for the Transition of Regulatory Authority Resulting from the Expanded Definition of Byproduct Material (transition plan) issued by the Commission as mandated by Section 651(e) of the EPAAct. In accordance with Section 651(e)(4)(C)(iii) of the EPAAct and the provisions of the Transition Plan, the Agreements entered into between the Commission and each of these States under Section 274b. of the AEA, are now considered to include byproduct material as defined in Sections 11e.(3) and (4).

In addition, on November 30, 2007, the Commission terminated the time-limited waivers of the EPAAct requirements granted by the Commission (70 FR 51581; August 31, 2005) to the each of these States. Users of the newly added byproduct material currently licensed or registered by these States, will continue to be subject to these States' regulatory authority.

In addition to publication of this Commission action in the *Federal Register*, notification is also being provided to each of the Agreement State Governors, NRC's Congressional oversight committees, and the public through a press release.

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If you have any questions on this correspondence, please contact me at 301-415-3340 or the individual named below.

POINT OF CONTACT:
TELEPHONE:

Kim Lukes
(301) 415-6701

INTERNET: KXK2@NRC.GOV
FAX: (301) 415-5955

/RA/

Janet R. Schlueter, Director
Division of Materials Safety
and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

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/RA/
 Janet R. Schlueter, Director
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 and State Agreements
 Office of Federal and State Materials
 and Environmental Management Programs

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OFC	FSME/DMSSA	FSME/DMSSA	FSME/DMSSA	FSME/DMSSA
NAME	KKLukes:tyh	ADWhite	RJLewis	JRSchlueter
DATE	11/14/07	11/14/07	11/16/07	11/30/07

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