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January 19, 2007

The Honorable Dale E. Klein, Ph.D.
Chairman
United States Nuclear Regulatory Commission
Washington, D.C. 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. As you are aware, these provisions pertain to 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 1966, Washington State (State) entered into an agreement with the U.S. Nuclear Regulatory Commission (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. It also licenses the naturally occurring and accelerator produced radioactive materials now defined as byproduct material.

The State's program for licensing the new byproduct material is not separate and distinct from the program for licensing 11e.(1) byproduct material. No changes have been made to the licensing program that would impact the previous finding of adequacy under the Integrated Materials Performance Evaluation Program, and the State intends to continue licensing the new byproduct material under this same program.

Accordingly, I certify that the State 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. I also certify that the State intends to continue to implement its regulatory responsibility with respect to the byproduct material. This certification is effective on the date of publication of the Commission's "Plan for the Transition of Regulatory Authority Resulting from the Expanded Definition of Byproduct Material."

Sincerely,

Christine O. Gregoire
Governor

