GOVERNOR ARNOLD SCHWARZENEGGER

March 29, 2007

The Honorable Dale E. Klein, Ph.D.
Chairman
United States Nuclear Regulatory Commission
400 Seventh Street, SW
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 1952, the State of California 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 California 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."

Sincerely,

Arnold Schwarzenegger

4/3...To EDO for Appropriate Action...Cpy to: RF....07-0217