OFFICE OF THE GOVERNOR

RICK PERRY
GOVERNOR

December 18, 2006

The Honorable Dale E. Klein, Ph.D.
Chairman
Office of Public Affairs
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Dr. Klein:

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 1963, the State of Texas entered into an Agreement with the U.S. Nuclear Regulatory Commission (NRC) 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.

The state's 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. The NRC's Integrated Materials Performance Evaluation Program previously found the state's program to be adequate. The State of Texas intends to continue to license the byproduct material under this same program.

Accordingly, I certify to the NRC that the State of Texas has a program for licensing byproduct material as defined in paragraph (3) and (4) of Section 11e of the Atomic Energy Act of 1954, as amended, which is adequate to protect public health and safety. The state intends to continue to implement its regulatory responsibility with respect to the byproduct material.

This certification is effective upon the date of publication of the NRC's "Plan for the Transition of Regulatory Authority Resulting from the Expanded Definition of Byproduct Material."

Sincerely,

Rick Perry

Rick Perry
Governor

RP:jop