



(FSME-06-099, October, Program, Governor's Certification, EAct of 2005)

October 27, 2006

ALL AGREEMENT STATES
AGREEMENT STATE LIAISON OFFICERS

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Purpose: To provide the Agreement States a sample certification letter (enclosure 1) that your Governor could use to meet the certification requirements in Section 651(e) of the Energy Policy Act of 2005 (EAct). **States are not required to use the sample letter.**

Background: Section 651(e) of the EAct expanded the definition of byproduct material by adding para

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Please note that although NRC has not currently identified any naturally occurring radioactive material that meets the definition of byproduct material in paragraph (4) of Section 11e., this paragraph is included in the certification letter to ensure compliance with the EAct provision.

Action: Please review the enclosed sample letter and consider submitting it or a comparable certification letter that meets the requirements of Section 651(e) of the EAct. As a reminder, certifications may be made to the Commission at any time now since the Commission has approved the draft Transition Plan. All Governors' certifications must be submitted by the date of publication of the final Transition Plan. We expect that date to be on or before April 7, 2007.

SAMPLE LETTER

Date

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 licensin of ~~the~~ ~~of~~ ~~Sec~~ ~~33~~ ~~0~~ ~~Td~~ ~~(51(e))~~ ~~Tjn~~ ~~n~~ ~~0~~ ~~Td~~ ~~(51(e))~~ ~~Tjatura~~ ~~0~~ ~~Td~~ ~~(nith)~~

ADDENDUM FOR MINNESOTA ONLY

Since Minnesota is no

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(i) IN GENERAL- The Commission may not grant a waiver under subparagraph (A) with respect to-

(I) any requirement under the amendments made by subsection (c)(1);

(II) a matter relating to an importation into, or exportation from, the United States for a period ending after the date that is 1 year after the date of enactment of this Act; or

(III) any other matter for a period ending after the date that is 4 years after the date of enactment of this Act.

(ii) WAIVERS TO STATES- The Commission shall terminate any waiver granted to a State under subparagraph (A) if the Commission determines that-

(I) the State has entered into an agreement with the Commission under Section 274 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2021(b));

(II) the agreement described in subclause (I) covers byproduct material (as described in paragraph (3) or (4) of Section 11 e. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)) (as amended by paragraph (1))); and

(III) the program of the State for licensing such byproduct material is adequate to protect the public health and safety.

(C) PUBLICATION- The Commission shall publish in the Federal Register a notice of any waiver granted

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