

STATE OF ARIZONA

JANET NAPOLITANO  
GOVERNOR

OFFICE OF THE GOVERNOR  
1700 WEST WASHINGTON STREET, PHOENIX, AZ 85007

MAIN PHONE: 602-542-4331  
FACSIMILE: 602-542-7601

January 27, 2007

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 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 1967, the State of Arizona 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.

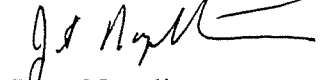
Our program for licensing the new byproduct material is not separate and distinct from the program for licensing 11e.(1) byproduct material, and no changes have been made to the licensing program that would impact the previous IMPEP finding of adequacy. Further, we intend to continue to license the new byproduct material under this same program.

Accordingly, I certify to the Commission that the State of Arizona 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, 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 byproduct material.

The Honorable Dale E. Klein, Ph.D., Chairman  
January 27, 2007  
Page Number 2

This certification is effective on the date of publication of the U.S. Nuclear Regulatory Commission's "Plan for the Transition of Regulatory Authority Resulting from the Expanded Definition of Byproduct Material."

Yours very truly,

A handwritten signature in black ink, appearing to read "Janet Napolitano", with a long horizontal flourish extending to the right.

Janet Napolitano  
Governor

cc: Aubrey Godwin, Director  
Arizona Radiation Regulatory Agency