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February 21, 2007

The Honorable Dale E. Klein, Ph.D., Chairman
United States Nuclear Regulatory Commission
Washington, DC 20555

Dear Chairman Klein:

The purpose of this letter is to confirm that the State of Maryland is in compliance 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, which are referred to as NARM. NARM is now defined as byproduct material.

Maryland has been an Agreement State and consistently operates under the provisions of Section 274(b) of the Atomic Energy Act (AEA) of 1954, as amended, which gives States full authority to license, inspect and otherwise regulate byproduct material. During that time period, that same regulatory authority has been applied to NARM. Maryland's program regulates all radioactive material in the same manner as noted during Nuclear Regulatory Commission full program evaluations (IMPEPs) where the program achieved the desired finding of "adequate to protect the public health and safety."

Accordingly, I certify to the Commission that the State of Maryland has a program for licensing byproduct material, as defined in paragraph (3) or (4) of Section 11(e) of the AEA that is adequate to protect the public health and safety, and that the State intends to continue to meet 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." If you need additional information, please contact Secretary Shari T. Wilson of the Maryland Department of the Environment at 410-537-3084.

Very truly yours,

Governor