



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

November 30, 2007

The Honorable Eliot Spitzer
Governor of New York
Albany, New York 12224

Dear Governor Spitzer:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am writing to inform you that the NRC has determined that the State of New York has a program to license byproduct material, as defined in Sections 11e.(3) and (4) of the Atomic Energy Act of 1954, as amended, that is adequate to protect the public health and safety. This determination is based on the certification provided by former Governor Pataki in the letter dated December 13, 2006. The Commission considers your certification to be effective on October 19, 2007.

In accordance with Section 651(e)(4)(C)(iii) of the Energy Policy Act of 2005, the Agreement entered into between the NRC and the State of New York under Section 274b. of the Atomic Energy Act of 1954, as amended, is now considered to include byproduct material as defined in Sections 11e.(3) and (4). Therefore, as of the date of this letter, the NRC hereby terminates the time-limited waiver of the Energy Policy Act of 2005 requirements granted by the NRC to the State of New York on August 31, 2005.

I look forward to continuing our excellent working relationship with the State of New York. If you have any questions, please contact me. If your staff have any questions or wish additional information, please have them contact Janet R. Schlueter, Director of NRC's Division of Materials Safety and State Agreements, Office of Federal and State Materials and Environmental Management Programs at (301) 415-3340.

Sincerely,

Dale E. Klein