



CHAIRMAN

UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

November 30, 2007

The Honorable Ernie Fletcher  
Governor of Kentucky  
Frankfort, Kentucky 40601

Dear Governor Fletcher:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am writing to inform you that the NRC has determined that the Commonwealth of Kentucky 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 your certification provided in the letter dated January 24, 2007. 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 Commonwealth of Kentucky 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 Commission hereby terminates the time-limited waiver of the Energy Policy Act of 2005 requirements granted by the NRC to the Commonwealth of Kentucky on August 31, 2005.

I look forward to continuing our excellent working relationship with the Commonwealth of Kentucky. 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,

A handwritten signature in black ink, appearing to read "Dale E. Klein".

Dale E. Klein