



CHAIRMAN

UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

November 30, 2007

The Honorable John Hoeven
Governor of North Dakota
Bismarck, North Dakota 58505

Dear Governor Hoeven:

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 North Dakota 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 March 16, 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 State of North Dakota 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 North Dakota on August 31, 2005.

I look forward to continuing our excellent working relationship with the State of North Dakota. 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