

July 11, 2008

The Honorable Timothy M. Kaine
Governor of Virginia
Richmond, Virginia 23219

Dear Governor Kaine:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of June 12, 2008, in which you request an agreement between the NRC and the Commonwealth of Virginia pursuant to Section 274b of the Atomic Energy Act of 1954, as amended. If approved by the Commission, Virginia would assume regulatory authority over the acquisition, possession, use, transfer, and disposal of source material, byproduct material as defined in Section 11e.(1) of the Act, byproduct material as defined in Section 11e.(3) of the Act, byproduct material as defined in Section 11e.(4) of the Act, and special nuclear material in quantities not sufficient to form a critical mass.

As required by the Act, the NRC staff is conducting an assessment of the compatibility of the Virginia program with the NRC's program and the adequacy of Virginia's program to protect public health and safety with respect to the materials covered by the proposed agreement. This process, which assumes a complete application, generally takes 52 weeks. I want to assure you that the NRC staff is working diligently to complete its review in an expeditious manner.

If the Commission approves the proposed agreement, the NRC will publish the text and a summary of its assessment in the *Federal Register* for public comment. The Act requires that the proposed agreement be published once each week for four consecutive weeks. A press release concerning the Commonwealth's request will also be issued at that time. After the expiration of the comment period, the Commission will consider any comments received and make a final decision on the request. You will be notified promptly of our decision, and the NRC staff will coordinate with Virginia's staff to establish an effective date for the agreement.

The Commission welcomes the Commonwealth's interest in becoming an Agreement State and looks forward to the continued excellent relationship that the NRC and the Commonwealth of Virginia have enjoyed in the past.

Sincerely,

/RA/

Dale E. Klein