

January 31, 2006

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

Dear Governor Kaine:

I am responding on behalf of the U.S. Nuclear Regulatory Commission (NRC) to former Governor Mark Warner's letter of December 14, 2005, requesting that the NRC and the Commonwealth of Virginia establish an agreement pursuant to Section 274b of the Atomic Energy Act of 1954, as amended (AEA). Under the proposal, Virginia would assume regulatory authority over the acquisition, possession, use, transfer, and disposal of byproduct material as defined in Section 11e.(1) of the AEA, source material, and special nuclear material in quantities not sufficient to form a critical mass.

An initial discussion on the interest of Virginia becoming an Agreement State was held on January 10, 2006, between Janet Schlueter, Director of NRC's Office of State and Tribal Programs, and Dr. Khizar Wasti, Director of the Division of Health Hazards Controls in Virginia's Department of Health. Under separate cover letter, the NRC staff will provide Dr. Wasti background information on the Agreement State Program, the criteria and process to become an Agreement State, and reference material. In addition, the NRC would welcome the opportunity to provide a briefing on the Agreement State Program to Dr. Wasti and appropriate staff.

Ms. Shawn Rochelle Smith, Office of State and Tribal Programs, has been assigned as the NRC Project Manager for assisting Virginia in the process of becoming an Agreement State. If you or your staff have any questions or wish to obtain additional information about the Agreement State Program, please contact Ms. Schlueter (301-415-3340 or [jrs1@nrc.gov](mailto:jrs1@nrc.gov)) or Ms. Smith (301-415-2620 or [srs3@nrc.gov](mailto:srs3@nrc.gov)).

I thank you for your letter of intent to become an Agreement State and look forward to continuing an excellent working relationship with the Commonwealth of Virginia.

Sincerely,

*/RA/*

Nils J. Diaz