



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

(FSME-09-023, April, Program, Virginia)

April 10, 2009

ALL AGREEMENT AND NON-AGREEMENT STATES  
ALL STATE LIAISON OFFICERS

**AGREEMENT BETWEEN THE U.S. NUCLEAR REGULATORY COMMISSION AND THE  
COMMONWEALTH OF VIRGINIA (FSME-09-023)**

**Purpose:** To inform you that, pursuant to Section 274b. of the Atomic Energy Act of 1954, as amended (Act), entitled "Cooperation with States," the Commission on February 27, 2009, approved an Agreement with the Commonwealth of Virginia. Under the Agreement, the Commonwealth will assume certain regulatory authority over byproduct material in Sections 11e.(1), 11e.(3), and 11e.(4) of the Act, source material, and special nuclear material in quantities not sufficient to form a critical mass. The Agreement became effective March 31, 2009.

**Background:** By letter dated June 12, 2008, Governor Timothy M. Kaine requested that the Commission enter into a Section 274b. Agreement with the Commonwealth of Virginia. In that letter, Governor Kaine certified that Virginia has a program for the control of the radiation hazards associated with the materials covered by the Agreement that is adequate to protect public health and safety. Governor Kaine further certified that the State desired to assume regulatory responsibility for such materials.

The proposed Agreement, along with a summary of the U.S. Nuclear Regulatory Commission's (NRC) assessment of the proposed Virginia program, was published in the *Federal Register* for public comment as required by Section 274e. of the Act. Copies of the proposed Agreement and supporting documentation were made available for inspection at the Commission's Public Document Room.

**Discussion:** The Commission has determined that the Virginia program for the regulation of Agreement materials is adequate to protect public health and safety and is compatible with NRC's program. NRC staff will conduct periodic reviews of the Virginia program using the Integrated Materials Performance Evaluation Program to ensure that the terms of the Agreement continue to be met.

If you have any questions on this correspondence, please contact me or the individual named below.

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