

ENCLOSURE 2

STAFF ANALYSIS OF PUBLIC COMMENTS

STAFF ANALYSIS OF PUBLIC COMMENTS ON THE PROPOSED VIRGINIA AGREEMENT

Commenter:

1 Julia Schmitt, Chair

Affiliation:

Organization of Agreement States

INTRODUCTION:

The U.S. Nuclear Regulatory Commission (NRC) staff received one comment letter in response to a notice that the Governor of Virginia has proposed to enter into an Agreement with the Commission under Section 274b of the Atomic Energy Act of 1954, as amended. The agency published the notice in the *Federal Register* on November 20, November 26, December 4, and December 11, 2008. The notice contained a copy of the proposed Agreement and a summary of the NRC staff's draft assessment of the proposed Virginia Agreement State program.

The *Federal Register* Notice requested comments in four categories: (1) the proposed Agreement, (2) the NRC staff assessment of the Virginia Agreement State program, (3) the adequacy of the Virginia Agreement State program, and (4) the adequacy of the Virginia Agreement State program staff. The comment received strongly supported the proposed Agreement between the NRC and the Commonwealth of Virginia.

COMMENTS ON THE PROPOSED AGREEMENT

(1) Comments Supporting the Agreement

Summary of Comments:

A letter from the Organization of Agreement States (OAS) strongly supports the Agreement between the NRC and the Commonwealth of Virginia. The Organization states "The OAS is committed to the improvement of radiation regulation nationwide, and to fostering a cooperative and productive partnership among Agreement States, with the U.S. Nuclear Regulatory Commission, and with other Federal, State and Local agencies involved in the regulation of radioactive materials."

NRC Staff Response:

The comment strongly supporting the Agreement between the NRC and the Commonwealth of Virginia supports the NRC staff's plan to complete the staff assessment documenting that the Commission's criteria for entering into an Agreement are satisfied, and then to request the Commission to approve the Agreement and place it into effect. These comments are consistent with the Commission's process for approval of an Agreement.