



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

March 9, 2023

The Honorable Jim Justice  
Governor of West Virginia  
State House  
1900 Kanawha Blvd E.  
Charleston, WV 25305

Dear Governor Justice:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your January 9, 2023, letter expressing interest in pursuing an agreement between the NRC and the State of West Virginia pursuant to Section 274b of the Atomic Energy Act of 1954 (the Act), as amended. We appreciate your early communication on this matter. The NRC staff is available to provide guidance to the State of West Virginia in the development of the Agreement State application.

As required by the Act, the NRC staff will review the application and conduct an assessment of the compatibility of the West Virginia program with the NRC's program and the adequacy of West Virginia's program to protect public health and safety with respect to the materials covered by the proposed agreement. After its review, the NRC staff will provide the results of its assessment to the Commission. 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. After 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 the decision.

If approved, the NRC staff will coordinate with West Virginia staff to establish an effective date for the agreement, and West Virginia would assume regulatory authority over the acquisition, possession, use, transfer, and disposal of the materials identified in the agreement. The Act requires that the NRC retain its authority for regulating any production or utilization facility, including commercial and research reactors.

Your letter emphasized the State of West Virginia's commitment to leadership in nuclear energy, and the NRC looks forward to continued coordination in this area as we carry out our regulatory functions. The Commission welcomes the State's interest in becoming an Agreement State and looks forward to continuing its collegial relationship with the State of West Virginia.

Sincerely,

Christopher T. Hanson

cc: Tera E. Patton