

March 28, 2003

Catherine Sharp, Chairman
Central Interstate Low-Level Radioactive
Waste Commission
1033 O Street, Suite 530
Lincoln, NE 68508

Dear Chairman Sharp:

This is in response to your February 13, 2003 letter requesting the U.S. Nuclear Regulatory Commission's (NRC) regulations and procedures relative to Agreement State program revocation.

Section 274j of the Atomic Energy Act (Act) authorizes the Commission to terminate or suspend all or part of its agreement with any State, and to reassert the Commission's licensing and regulatory authority if the Commission finds that such termination is necessary to adequately protect public health and safety, or because the State has not complied with one or more requirements of the Act. In these cases, the Commission must offer the State reasonable notice and opportunity for a hearing. In addition, the Commission may temporarily suspend all or part of an agreement in the case of an emergency situation. The Commission may also terminate or suspend all or part of its agreement upon the request of the Governor of the State.

In 1997, the Commission issued two policy statements, *Statement of Principles and Policy for the Agreement State Program* and *Policy Statement on Adequacy and Compatibility of Agreement State Programs*, which provide guidance for the Commission and the Agreement States in the implementation of the Agreement State program. The Office of State and Tribal Programs (STP) issued STP Procedure SA-115, *Termination of a Section 274b Agreement*, which describes the process used by the Commission to terminate an Agreement State program. A copy of these policy statements and STP procedure are enclosed for your information. Additionally, these documents and others pertaining to the Agreement State program are available electronically at NRC's web site at <http://www.hsr.d.ornl.gov/nrc/procfm.htm>.

I trust this information is responsive to your request. If you have any additional questions, please feel free to contact me at (301) 415-3340 or Rosetta Virgilio at (301) 415-2367 or email: ROV@nrc.gov.

Sincerely,

/RA by Josephine m. Piccone for/

Paul H. Lohaus, Director
Office of State and Tribal Programs

Enclosures:
As stated

Catherine Sharp

Distribution:

DIR RF (3-43) (SP07) PDR (YES✓)

Nebraska File

*See previous concurrence

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