FSME Procedure Approval

Emergency Suspension of a Section 274b. Agreement

SA-112

Issue Date:

Review Date:

Robert J. Lewis
Director, MSSA *Date:*

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ML11

NOTE
Any changes to the procedure will be the responsibility of the FSME Procedure Contact. Copies of the FSME procedures ~~will be~~are available through the NRC website.

	Procedure Title: ***Emergency Suspension of a Section 274b. Agreement*** **Procedure Number: SA-112**	**Page: 1 of** **Issue Date:**

I. INTRODUCTION

This procedure describes the process used by the U.S. Nuclear Regulatory Commission to temporarily suspend a~~n Agreement State program~~ State's 274b. Agreement (Agreement) with the NRC -when an emergency situation exists requiring immediate action to protect public health and safety, and the State is not able or has failed to take steps to contain or eliminate the cause of danger within a reasonable time.

II. OBJECTIVE

To provide the guidelines that will govern the U.S. Nuclear Regulatory Commission's (NRC) decisions to exercise the authority contained in Section 274j.(2) of the Atomic Energy Act, as amended (Act).

Note: This procedure does not address the non-emergency situation in which there is no immediate danger to the public health and safety. Guidelines for non-emergency suspension are found in the Office of Federal and State Materials and Environmental Management Programs (FSME) Procedure SA-114, *Suspension of a Section 274b. Agreement*.

III. BACKGROUND

A. Section 274j.(2) of the Act, gives the Commission the authority to temporarily suspend all or part of its Agreement with a State, without a hearing, when an emergency situation exists requiring immediate action to protect public health and safety, and the State has failed to take steps to contain or eliminate the cause of danger within a reasonable time.

B. The Commission will exercise this authority only during the period of the emergency. Unless acting pursuant to the Governor's request, the NRC will notify the Governor of the State prior to issuing the temporary suspension (see Appendix A). The authority may be exercised with respect to all or part of the State's Agreement.

IV. ROLES AND RESPONSIBILITIES

A. The Executive Director for Operations (EDO) is responsible for informing the Commission when, based on NRC staff recommendations, an immediately effective Emergency Suspension of a Section 274b. Agreement Order is issued (see Appendix B) and for submitting a memorandum to the Commission detailing the nature of the emergency situation and the actions taken to contain or eliminate the danger (see Appendix C).

B. FSME is responsible for taking the lead in the preparation and coordination of a Commission memorandum detailing the emergency suspension of the Agreement ~~State Program~~ in question. The Division of Materials Safety and State Agreements (MSSA), FSME, also coordinates all follow-up suspension notifications, (e.g., to the Governor, and All Agreement and Non-Agreement States).

C. The Office of Public Affairs (OPA) is responsible for issuing a ~~public announcement~~press release (see Appendix D).

D. The Office of Congressional Affairs (OCA) is responsible for notifying Congressional committees (see Appendix E).

E. The appropriate NRC Region is responsible for coordinating with the State so that all necessary information is gathered and action is taken to notify ~~the affected licensee, or groups of~~all licensees ~~,~~ from the Agreement State radiation control program (see Appendic~~x~~es F and J).

V. GUIDANCE

A. Minimum Criteria for Emergency Suspension

1. ~~1.~~ NRC may suspend an Agreement, pursuant to Section 274j.(2), in the case of an emergency involving byproduct, source, or special nuclear material, when the situation presents a danger to the public health and safety and the Agreement State program is not able, or has not taken effective steps, to eliminate the cause of the danger.

2. In evaluating emergency situations, the NRC will consider whether the Agreement State has failed to take, or is prevented from taking, necessary steps to protect the public health and safety. Factors that are appropriate for consideration include:

   a. The timeliness and adequacy of actions being taken by the State in response to the emergency;

   b. Whether the State can satisfactorily resolve the emergency situation; and

   c. Whether the State is implementing, or is committed to implement, program improvements to address the cause of the emergency situation.

3. The following types of conditions, if not appropriately addressed by the State to prevent the danger, are examples that could result in a consideration of emergency suspension:

a. A condition or conditions that caused or could cause an individual or individuals to receive a dose significantly in excess of those basic dose limits set forth in Subpart C of 10 CFR Part 20;

b. Conditions that caused or could cause an individual to receive a dose significantly in excess of those basic dose limits set forth in Subpart D of 10 CFR Part 20;~~ or~~

c. Conditions that caused, or could cause, individuals to receive a dose significantly in excess of those dose limits applicable to a certain class of licenses set forth in other parts of 10 CFR that Agreement States must adopt under the Commission Policy Statement for Adequacy and Compatibility, such as Part 35 limits for patient release~~.~~; ~~or,~~

d. Conditions that caused or could cause an individual to receive a dose significantly in excess of the limits set forth in Table 2 to Appendix B of 10 CFR Part 20 resulting from radioactive contamination to the environment (air, water, effluents); or

~~d~~e. A pandemic or any other event (natural or man-made) that would prevent or disrupt an Agreement State from being able to respond to a significant event or to execute its Continuity of Operations (COOP) or Pandemic Response Plan.

i In the event an Agreement State would need to execute its COOP and/or Pandemic Response Plan, it is anticipated that the NRC will need to be able to answer certain questions regarding any regulatory, safety or security issues as the result of the COOP/Pandemic situation. (See Appendix K for a listing of these questions).

ii Establishing and maintaining ~~A~~an Agreement State COOP and/or Pandemic Response plan is not a requirement under ~~the~~274b. Agreement~~s~~; however, NRC would still need to be informed of this occurrence and the State's actions in order to respond to other Federal/State agencies or Congressional inquiries.

B. Initiation of Emergency Suspension Action

1. If the Governor of a State requests that the NRC temporarily suspend part of its Agreement, ~~D~~MSSA should advise the State to make the request by telephone call to the EDO, in coordination with the Director, FSME, or in off hours, to the NRC Emergency Operations Center (EOC). Such a request should include the specific nature of the emergency and its possible impacts. ~~using the guidance in Section V. A above~~.

2. For events which may warrant consideration of emergency suspension, but for which there is a reasonable basis for presumption that a State will satisfactorily resolve the emergency situation, the Region will inform the State of necessary actions that the State should take and that an emergency suspension under Section 274j.(2) will not be issued.

3. To implement an emergency suspension in an efficient and effective manner, NRC would need to collect the following information, at a minimum:

   a. A list of licensees and locations of use;

   b. A telephone or e-mail list ~~for~~of licensees in order to~~to~~ notify ~~licensees~~them of emergency suspension~~, if available~~; and,

   c. The status of any amendments or new applications with immediate health and safety consequences.

4. ~~4.~~ If this information cannot be obtained prior to or shortly after an emergency suspension, NRC will use the National Source Tracking System (NSTS) to identify and locate the licensees with risk-significant quantities of radioactive material. In the future, the Integrated Source Management Portfolio (ISMP) will replace the need to collect the above listed information from the State.

~~5~~6. Emergency suspension should only be used for a short term. If the emergency suspension will continue for an ~~unforeseeable future~~indefinite period, NRC will initiate steps for a full suspension or termination of the 274b. Agreement (see FSME Procedure SA-114, *Suspension of a Section 274b. Agreement*, and FSME Procedure SA-115, *Termination of a Section 274b. Agreement*).

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C. Withdrawal of Emergency Suspension

1. When the emergency situation is contained or eliminated, the EDO will lift the suspension by notifying the Governor of the State, in writing, that the emergency suspension is no longer in effect (see Appendix G).

2. The Office of Public Affairs (OPA) is responsible for issuing a ~~public announcement~~press release (see Appendix H).

3. The Office of Congressional Affairs (OCA) is responsible for notifying Congressional committees (see Appendix I).

4. The appropriate NRC Region will notify the affected licensees or groups of licensees in the State that the emergency suspension is no longer in effect (see Appendix J).

5. FSME will inform the State of continuing actions which the State must carry out in order to prevent another emergency.

D. Impact of the Emergency Suspension

Depending on a State's ability to address the condition that precipitated the emergency suspension, the Management Review Board (MRB) will evaluate the Agreement State's continued ability to protect public health and safety. The MRB will consider whether it may be necessary to place the State on heightened oversight (see FSME Procedure SA-122, *Heightened Oversight and Monitoring*).

VI. ~~APPENDIXES~~APPENDICES

Appendix A - Sample Notification to the Governor of [State] of Emergency Suspension
Appendix B - Sample Order Temporarily Suspending a State's Agreement ~~State Program~~
Appendix C - Sample Memorandum to the Commission
Appendix D - Sample ~~Public Announcement~~Press Release
Appendix E - Sample Congressional Letter
Appendix F - Sample Letter to Affected Agreement State Licensees
Appendix G - Sample Notification of Lifting Suspension
Appendix H - Sample P~~ublic Announcement~~ress Release on Lifting Temporary Suspension
Appendix I - Sample Congressional Letter on Lifting Temporary Suspension
Appendix J - Sample Letter to Affected Agreement State Licensees on Lifting Temporary Suspension
Appendix K- Questions to be asked in the event of Continuity of Operations (COOP) or Pandemic Plan Execution

VII. REFERENCES

1. FSME Procedure SA-106, *The Management Review Board (MRB)*
2. FSME Procedure SA-114, *Suspension of a Section 274b. Agreement*
3. FSME Procedure SA-115, *Termination of a Section 274b. Agreement*
4. FSME Procedure SA-122, *Heightened Oversight and Monitoring*

VIII. ADAMS REFERENCE DOCUMENTS

For knowledge management purposes, all previous revisions of this procedure, as well as associated correspondence with stakeholders, that have been entered into ADAMS are listed below.

No.	Date	Document Title/Description	Accession Number
1	7/18/02	STP Procedure SA-112	ML023020536
2	2/22/07	FSME-07-020, Opportunity to Comment on Draft Revisions to FSME Procedure SA-112	ML070570341
3	2/22/07	FSME Procedure SA-112, Draft Revision	ML070570359
4	9/25/07	FSME-07-089, Final FSME Procedure SA-112	ML072700496
5	9/25/07	FSME Procedure SA-112	ML072510003
6	9/25/07	Redline/Strikeout Copy	ML072510004
7	9/25/07	Resolution of Comments	ML072610485
8	11/08/10	FSME-10-093, Opportunity to Comment on Draft Revisions to FSME Procedures SA-112 and SA-114	ML103070271

Field Code Changed

Appendix A

Sample Notification to the Governor of [State] of Emergency Suspension

Dear Governor [Name]:

As you are aware, Section 274j.(2) of the Atomic Energy Act gives the Commission the authority to temporarily suspend all or part of its Agreement with a State without notice or hearing if an emergency situation exists requiring immediate action to protect public health and safety and the State fails to take steps to contain or eliminate the cause of danger within reasonable time. The Commission is invoking this authority since it has found a situation in your State that presents an [choose the pertinent reason or reasons] immediate, significant, or unacceptable threat to the public health and safety which necessitates immediate suspension of [all or part] of the Agreement.

[This section should provide a brief description of the situation. Provide pertinent information as to how the situation came to the NRC's attention, the State's action in response, etc. Describe briefly the steps taken by the NRC which led it to suspend all or part of the State's Agreement.]

When the emergency situation is contained or eliminated, the Commission will consider whether to lift the suspension. Such a decision will be based on the NRC's determination that the conditions which initiated the emergency suspension no longer exists. The NRC will notify [name the appropriate State office] of continuing actions which the State must implement to prevent another emergency.

The Order will be issued immediately. [Inform the State of the timing for any press releases or correspondence with Congressional Committees, if appropriate.]

Sincerely,

Chairman

Appendix B

Sample Order Temporarily Suspending 274b. Agreement ~~State Program~~

UNITED STATES NUCLEAR REGULATORY COMMISSION

In the Matter of

[Name of State]
[Agreement State Program]

ORDER TEMPORARILY SUSPENDING 274b. AGREEMENT ~~STATE PROGRAM~~
(EFFECTIVE IMMEDIATELY)

I

[Set forth the name of the Agreement State program and background information as to when the program was initiated, what type of agreement materials are covered, and the authority of the Commission and the Governor of the particular State to enter into this type of agreement. In addition, the authority of the Commission to temporarily suspend the Agreement State program, effective immediately, should be stated. The following is provided as a sample discussion for this section].

On [Date], the State of [Name] entered into an agreement (Agreement) with the U.S. Nuclear Regulatory Commission (NRC or Commission) pursuant to Section 274 of the Act of 1954, as amended (Act), 42 U.S.C. Section 2021. The Agreement discontinued the NRC's regulatory authority within the State of [Name] with respect to [byproduct material as defined in Section 11e.(1) of the Act (radioisotopes) and/or byproduct material as defined in Section 11e.(2) of the Act (mill tailings or wastes) and/or byproduct material as defined in Section 11e.(3) of the Act and/or byproduct material as defined in Section 11e.(4) of the Act and/or source material (uranium and thorium) and/or special nuclear material (uranium 233, uranium 235 and plutonium) in quantities not sufficient to form a critical mass and/or permanent disposal of low-level waste containing one or more of the materials stated above but not including mill tailings]. The Agreement authorized the State of [Name] to regulate these materials for the protection of public health and safety.

II

[This section should provide a description of relevant events, facts, violations, technical or legal reasons that provide the substantive basis for issuing the Order. The following example is provided as a sample text for this section.]

The Commission has determined that an emergency situation exists in the State of [Name]. [NRC discovered this situation as a result of (phone call, allegation letter, etc.)] or [Provide reasons for NRC's finding.] [Provide any appropriate additional information regarding the emergency situation.]

The Commission has determined that due to [facts requiring implementation of Section 274j.(2)],

an emergency situation exists which requires immediate action by the Commission to protect the health and safety of [description of the public impacted]. The Commission has also determined that the State of [Name] has failed to take steps necessary to contain or eliminate the cause of danger within a reasonable time. This latter finding is based on [facts pertaining to State's failure to contain or eliminate the cause of the emergency situation]. The Commission has notified the Governor of [State] of its intention to issue this emergency suspension order.

III

[This section should provide the justification for issuing the Order, in light of the facts described in Section II. The following example is provided as a sample text for this section].

Section 274j.(2) of the Act authorizes the Commission, upon its own initiative or upon the request of the Governor of any State, to temporarily suspend all or part of its Agreement with the State without notice or hearing if, in the judgment of the Commission, an emergency situation exists with respect to any material covered by such an Agreement creating danger which requires immediate action to protect the health and safety of persons either within or outside of the State, and the State has failed to take steps necessary to contain or eliminate the cause of the danger within a reasonable time after the situation arose. A temporary suspension of the Agreement under Section 274j.(2) of the Act shall remain in effect for such time as the emergency situation exists. During the period of temporary suspension, the Commission is authorized to exercise its authority only to the extent necessary to contain or eliminate the danger.

The NRC must be able to rely on [State's] Agreement State program to adequately protect public health and safety. The facts and the circumstances enumerated in Section II of this Order, in the judgment of the Commission, lead to an emergency situation with respect to materials regulated pursuant to the Act. Immediate action is necessary to protect public health and safety. The State of [State] has failed to take the steps necessary to contain or eliminate the cause of the danger to public health and safety. Therefore, the public health and safety require that the Agreement [or portions identified] [or facility] between the Commission and [State] be temporarily suspended. Furthermore, pursuant to Section 274j.(2) of the Act, I find that the public health, safety, and interest requires that this Order be immediately effective.

IV

Accordingly, pursuant to Sections 161b, 161c, 161i, 161o, and 274 of the Act, IT IS HEREBY ORDERED THAT THE AGREEMENT [or portion of the Agreement] BETWEEN THE COMMISSION AND [State], DATED [date], IS TEMPORARILY SUSPENDED, EFFECTIVE IMMEDIATELY, AS FOLLOWS:

A. [IDENTIFY PART OF AGREEMENT AFFECTED AND MATERIAL AFFECTED];

B. [IDENTIFY WHAT ACTIONS THE STATE MUST DO TO COME INTO COMPLIANCE WITH COMMISSION REQUIREMENTS AND WHEN];

C. [IDENTIFY WHAT MUST HAPPEN TO REINSTATE THE AGREEMENT].

FOR THE NUCLEAR REGULATORY COMMISSION

Executive Director for Operations

Dated at Rockville, Maryland this day of , [YEAR]

Appendix C

Sample Memorandum to the Commission Regarding the
Emergency Suspension of All or Part of an Agreement

MEMORANDUM TO: Chairman [Name]
Commissioner [Name]
Commissioner [Name]
Commissioner [Name]
Commissioner [Name]

FROM: Executive Director for Operations

SUBJECT: ISSUANCE OF AN ORDER TO TEMPORARILY SUSPEND THE [STATE'S NAME] AGREEMENT

The attached Order was issued to [State] on [Date], temporarily suspending [State's Name] ~~a~~Agreement with the U.S. Nuclear Regulatory Commission pursuant to Section 274b. of the Atomic Energy Act. The Order is effective immediately over [identify part of agreement affected and material affected].

The staff has determined that an emergency situation exists in the State of [Name]. [The staff became aware of this situation as a result of (phone call, allegation letter, etc.)] or [Provide reasons for the staff's finding] [Provide any appropriate additional information regarding the emergency situation.]

The staff has determined that due to [provide the facts requiring implementation of Section 274j.(2)], an emergency situation exists which requires immediate action by the Commission to protect the health and safety of [description of the public impacted]. The staff has also determined that [State's Name] has failed to take steps necessary to contain or eliminate the cause of the emergency situation within a reasonable time. This latter finding is based on [facts pertaining to State's failure to contain or eliminate the cause of the emergency situation].

The Governor of [State] has been notified of this action. In addition, the staff's efforts have been coordinated with Governor [Name] and his/her staff. A press release will be issued. Letters to the appropriate Congressional committees will be sent. A letter notifying the affected State licensees will be sent by the Regional Office.

Enclosure:
As stated

Appendix D

Sample P~~ublic Announcement~~ress Release

NRC ISSUES ORDER TO TEMPORARILY SUSPEND
THE [STATE'S NAME] REGULATORY AUTHORITY

The U.S. Nuclear Regulatory Commission (NRC) is temporarily suspending [State's Name] regulatory authority over [identify part of agreement affected and material affected].

The action, which is effective on [Date], is being taken in order to ensure that public health and safety will be protected. An emergency situation exists in [State's Name] due to [facts requiring implementation of Section 274j.(2)).

Under Section 274 of the Atomic Energy Act of 1954, as amended (Act), individual States can assume part of the NRC's regulatory authority over the possession and use of byproduct, source, and special nuclear materials. In order to effect and maintain such a transfer of authority, the State must demonstrate that its program is adequate to protect the public health and safety and is also compatible with the Commission's program for regulating those materials.

The Act also authorizes NRC to temporarily suspend all or part of its Agreement with the State without notice or hearing if an emergency situation exists with respect to any material covered by such an ~~a~~Agreement creating danger which requires immediate action to protect the health and safety of persons. In order to take such action, the Commission must also determine that the State has failed to take steps necessary to contain or eliminate the cause of the danger within a reasonable time after the situation arose. A temporary suspension of the Agreement shall remain in effect for such time as the emergency situation exists. During the period of temporary suspension, the Commission is authorized to exercise its authority only to the extent necessary to contain or eliminate the danger.

Licensees in [State's Name] are being advised of NRC's action in an Order dated [Date]. In the meantime, the affected [State's Name] licenses, as currently issued, will remain in effect under NRC's authority.

Appendix E

Sample Congressional Letter on Emergency Suspension

[Appropriate Congressional Oversight Committee]

Dear Mr. Chairman:

The U.S. Nuclear Regulatory Commission (NRC) has issued the enclosed Order, effective immediately, dated [Date], to temporarily suspend [State]'s regulatory authority over [identify part of agreement affected and material affected]. The action is being taken in order to ensure that public health and safety will be protected. The Commission is taking this action pursuant to its authority under Section 274j. of the Atomic Energy Act. An emergency situation exists in [State] due to [facts requiring implementation of Section 274j.(2)].

Licensees in [State] are being advised of NRC's action in an Order dated [date]. The affected [State] licenses, as currently issued, will remain in effect under NRC's authority. We are also issuing a press release~~ublic announcement~~.

The temporary suspension of [State's] Agreement will be lifted when [identify what will be necessary to contain or eliminate the danger].

Sincerely,

Director
Office of Congressional Affairs

Enclosure:
As stated

Appendix F

Sample Letter to Affected Agreement State Licensees
Regarding the Emergency Suspension

To [STATE] Licensees:

The U.S. Nuclear Regulatory Commission (NRC) has issued an Order, effective immediately, dated [Date], to temporarily suspend [State's] regulatory authority over [identify part of agreement affected and material affected]. The action is being taken in order to ensure that public health and safety will be protected. An emergency situation exists in [State] due to [facts requiring implementation of Section 274j.(2)].

Your [affected State] licenses, as currently issued, will remain in effect under NRC's authority [except for modifications necessary to contain or eliminate the danger.] The temporary suspension of [State's] Agreement will be lifted when [identify what will be necessary to contain or eliminate the danger].

Any questions or concerns regarding NRC's emergency suspension should be addressed to [Appropriate Regional Contact].

Sincerely,

Regional Administrator

Appendix G

Sample Notification of Lifting Suspension

Dear Governor [Name]:

As you are aware, under Section 274 of the Atomic Energy Act of 1954, as amended, the U.S. Nuclear Regulatory Commission (NRC) is authorized to temporarily suspend all or part of its Agreement with the State without notice or hearing if an emergency situation exists with respect to any material covered by such an Agreement creating danger which requires immediate action to protect the health and safety of persons, and the State has failed to take steps necessary to contain or eliminate the cause of the danger within a reasonable time after the situation arose. A temporary suspension of the Agreement shall remain in effect for such time as the emergency situation exists. During the period of temporary suspension, the Commission is authorized to exercise its authority only to the extent necessary to contain or eliminate the danger.

The NRC issued an immediately effective Order dated [Date], to temporarily suspend [State] regulatory authority over [identify part of Agreement affected and material affected]. The action was taken in order to ensure that public health and safety would be protected. An emergency situation existed in [State] due to [facts requiring implementation of Section 274j.(2)].

The Commission has determined that the emergency situation which necessitated NRC's action no longer exists. Therefore, the Agreement between the Commission and [State] has been reinstated. The State must continue to [describe the continuing actions which the State must carry out in order to prevent another emergency].

If you have any questions, please contact me, or your staff may contact [Name], Director, Office of Federal and State Materials and Environmental Management Programs, at [telephone number].

Sincerely,

Executive Director for Operations

Appendix H

Sample Press Release~~ublic Announcement~~ on Lifting Temporary Suspension

NRC IS LIFTING THE TEMPORARY EMERGENCY SUSPENSION
OF THE [STATE'S NAME] REGULATORY AUTHORITY

The U.S. Nuclear Regulatory Commission (NRC) is terminating the temporary suspension of [State's Name] regulatory authority over [identify part of agreement affected and material affected]. This action is effective on [Date].

On [Date] the NRC issued an immediately effective Order dated [Date], to temporarily suspend [State] regulatory authority over [identify part of Agreement affected and material affected]. The action was taken in order to ensure that public health and safety would be protected. An emergency situation existed in [State] due to [facts requiring implementation of Section 274j.(2)]. Under Section 274 of the Atomic Energy Act of 1954, as amended, the U.S. Nuclear Regulatory Commission (NRC) is authorized to temporarily suspend all or part of its Agreement with the State without notice or hearing if an emergency situation exists with respect to any material covered by such an Agreement creating danger which requires immediate action to protect the health and safety of persons, and the State has failed to take steps necessary to contain or eliminate the cause of the danger within a reasonable time after the situation arose.
A temporary suspension of the Agreement shall remain in effect for such time as the emergency situation exists. During the period of temporary suspension, the Commission is authorized to exercise its authority only to the extent necessary to contain or eliminate the danger.

The Commission has determined that the emergency situation which necessitated NRC's action no longer exists. Therefore, the Agreement between the Commission and [State] has been reinstated. The State must continue to [describe the continuing actions which the State must carry out in order to prevent another emergency].

Appendix I

Sample Congressional Letter on Lifting Temporary Suspension

[Appropriate Congressional Oversight Committees]

Dear Mr. Chairman:

The U.S. Nuclear Regulatory Commission (NRC) is terminating the temporary suspension of [State's Name] regulatory authority over [identify part of agreement affected and material affected]. This action is effective on [Date].

The Commission has determined that the emergency situation which necessitated NRC's action no longer exists. Therefore, the Agreement between the Commission and [State] has been reinstated. The State must continue to [describe the continuing actions which the State must carry out in order to prevent another emergency].

Sincerely,

Director, Office of Congressional Affairs

Appendix J

Sample- Letter to Affected Agreement State Licensees
on Lifting Temporary Suspension

To [STATE] Licensee:

The U.S. Nuclear Regulatory Commission (NRC) is terminating the temporary suspension of [State's Name] regulatory authority over [identify part of agreement affected and material affected]. This action is effective on [Date].

The Commission has determined that the emergency situation which necessitated NRC's action no longer exists. Therefore, the Agreement between the Commission and [State] has been reinstated and your [affected State] license will remain in effect as it was issued prior to the temporary suspension.

If you have any questions or concerns regarding this action please contact [Appropriate Regional Contact].

Sincerely,

Appropriate Regional Administrator

Appendix K

Questions To Be Asked In The Event Of Continuity of Operations (COOP) Or Pandemic Plan Execution

The questions listed below are those that NRC anticipates asking of the Agreement States upon: (1) NRC notification ~~of~~to the Agreement States ~~of the~~upon activation of NRC's COOP/Pandemic Response Plan, and (2) notification to NRC by an Agreement State upon ~~activation of the State's~~ activation of their State's COOP and/or Pandemic response plan~~.~~:

1. Has the State Government or the Radiation Control Program activated its COOP or Pandemic Response Plan? If so, when? If not, will the State notify the NRC upon activation of its plan?

2. Who is the State COOP or Pandemic Response Plan point of contact for radiation protection issues? Please provide contact information and 24/7 number, if available.

3. Is the State currently able to conduct critical regulatory and radiation protection functions* with respect to radioactive material? (Has the State defined their critical functions?)

4. Does the State need or request NRC assistance at this time?

5. Is the State monitoring or has the State reached out Category 1 and 2 licensees to inquire and obtain assurances regarding the safety and security of licensed materials?

6. Are you currently aware of (or do you anticipate) any problems with continued local law enforcement agency (LLEA) response to support increased control of radioactive materials?

7. Are you currently aware of (or do you anticipate) any impacts to medical licensees' ability to perform procedures involving radioactive materials?

8. Are you currently aware of (or do you anticipate) any impact to the transportation and shipment of medical use radioactive materials?

9. Are you currently aware of (or do you anticipate) any other potential issues affecting health and safety or security of radioactive materials?

*NRC considers critical or essential functions as those functions that must be continued throughout, or resumed rapidly after, a disruption of normal activities, in order to maintain public health and safety. These are things such as incident assessment and response, reactive inspections for events, and emergency orders or licensing actions that cannot be reduced or postponed. The NRC engaged in a process with the Federal government to define those functions according to federal standards [Federal Continuity Directive (FCD) 2, "Federal Executive Branch Mission Essential and Primary Mission Essential Function Identification and Submission Process," dated February 2008, issued by Department of Homeland Security (DHS)].