



Office of Nuclear Material Safety and Safeguards Procedure Approval

Processing an Agreement Interim State Agreement (SA) Procedure SA-700

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NOTE

Any changes to the procedure will be the responsibility of the NMSS Procedure Contact. Copies of NMSS procedures are available through the NRC Web site at <https://scp.nrc.gov>

I. INTRODUCTION

- A. Section 274 of the Atomic Energy Act of 1954, as amended, (AEA) provides a statutory basis under which the U.S. Nuclear Regulatory Commission (NRC) discontinues to the States portions of its regulatory authority to license and regulate byproduct materials; source materials; and certain quantities of special nuclear materials. The Governor of a State initiates this process by formally requesting an Agreement. The mechanism for the transfer of the NRC's authority to a State is an Agreement signed by the Governor of the State and the Chairman of the Commission, in accordance with Section 274b of the AEA.
- B. This procedure describes the methods and guidelines for reviewing the request for an Agreement. It also provides guidance to:
 - 1. NRC staff on the formal procedural steps for responding to a Governor's request for an Agreement;
 - 2. NRC staff on the criteria for evaluating a State's request; and
 - 3. State staff on the information to include in a request for an Agreement.
- C. As used in this procedure, the term Agreement State refers to either a State¹ or a Commonwealth. However, NRC staff should use the term State or Commonwealth in the Agreement, *Federal Register* notices (FRN), and other official records.

II. OBJECTIVE

- A. Ensure that each new Agreement is consistent with the provisions of the AEA, Commission policy, NRC Management Directives, and other statutory, regulatory, or policy requirements;
- B. Create a consistent regulatory review process to reduce uncertainties that any prospective Agreement State may encounter;
- C. Provide for the effective, efficient, and timely review of the request by a State for an Agreement or for an amendment to an existing Agreement.
- D. Provide for an orderly transition in the discontinuance of regulatory authority by the NRC and assumption thereof by the State, as well as support the necessary budgetary planning process that accompanies the transition.

III. BACKGROUND

- A. The AEA and Agreements

Section 274 of the AEA allows the Commission and a State to enter into an Agreement under certain conditions. Under the Agreement, the Commission

¹ Section 274n. of the Atomic Energy Act (AEA) considers the U.S. Territories and the District of Columbia to be States for the purpose of entering into an Agreement.

discontinues regulatory authority over the specified categories of materials. The State concurrently assumes regulatory authority for those materials. A general timeline for entering into an Agreement can be found in Appendix C of the Handbook for Processing an Agreement.

Categories of materials that the NRC may transfer are: (a) byproduct materials as defined in Section 11e.(1) through Section 11e.(4) of the AEA; (b) source materials as defined by Section 11z of the AEA; and (c) special nuclear materials as defined in Section 11aa. of the AEA in quantities not sufficient to form a critical mass (as defined in 10 CFR 150.11). Specific uses of materials that the NRC may transfer are (a) the regulation of the land disposal of byproduct, source, or special nuclear waste materials received from other persons; and (b) the evaluation of radiation safety information on sealed sources or devices containing byproduct, source, or special nuclear materials and the registration of the sealed sources or devices for distribution, as provided for in the regulations or orders of the Commission. The State may choose to assume regulatory authority over any of the above categories or uses. Generally, a State assumes authority over the entire category of material for which it is requesting authority under the Agreement. However, there may be limited circumstances when a State may choose not to regulate certain types of activities within a category of material. Commission approval is required when a State requests to regulate only certain types of activities within a category. A State must also have authority over all licensees within each category of material and activities over which the State assumes authority under the Agreement.

Before the Commission approves the Agreement, the State must have a program for the control of radiation hazards. The program must be adequate to protect public health and safety with respect to the categories of materials specified in the Agreement. For the purpose of this procedure, "public health and safety" includes security/physical protection of agreement material. Throughout this Procedure and Handbook, whenever public health and safety is discussed, it is also understood that security/physical protection of agreement material is a part of public health and safety. The State's program must also be compatible with the Commission's program for the regulation of the materials. To distinguish this program from other radiation control activities of the State, the program is referred to as the Agreement materials program.

When a State expresses an interest in entering into an Agreement with NRC, NRC staff will often meet with the State management to discuss an overview of Agreements, the State legislation and regulations needed, the programs the State needs to establish, and the timeline. A more detailed discussion is held after the NRC receives a Letter of Intent – this is discussed below in Section V, "Guidance."

The Governor must certify that the State has the required program and desires to assume regulatory authority over the requested categories of materials. A comprehensive description of the Agreement materials program should accompany the certification. The certification and description together make up the request for an Agreement. The information in the description should be of sufficient detail for the Commission to determine that the Agreement materials program is adequate and compatible with the NRC's regulatory program.

B. The Agreement Materials Program

An Agreement materials program has two basic components. The first component is a set of State legislation and regulations that provides the Agreement materials program's framework. In accordance with Commission policy, the term "regulations" may include other forms of generic legally binding requirements. These legally binding requirements may include license conditions, orders, or any other acceptable method as authorized by State law.

The second component is an effective organizational and administrative structure to execute and enforce the State's legislation and regulations. The administrative structure includes implementing and operating procedures and guidance for licensees and the State program staff.

The organizational structure may be a single State agency, a part of an agency, or portions of two or more agencies. In this procedure, the term "Agreement materials program" includes all State organizational units with regulatory responsibility over the materials specified in the Agreement.

C. NRC Staff Actions

The NRC staff evaluates the State's Agreement materials program that is described in the request for an Agreement. Simultaneously, the staff prepares a written assessment of the Agreement materials program. The assessment provides the basis for a finding by the Commission that the Agreement materials program is adequate and compatible. The assessment should show that the Agreement materials program satisfies the Commission policy statement *Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement*, (46 FR 7540; January 23, 1981, as amended on July 16, 1981 (46 FR 36969), and July 21, 1983 (48 FR 33376)). This Commission policy statement is hereafter referred to as the "criteria policy statement."

The assessment should also give the NRC confidence that if the State implements the Agreement materials program as presented, a review of the Agreement materials program pursuant to NRC Management Directive (MD) 5.6, *Integrated Materials Performance Evaluation Program* (IMPEP), will find the Agreement materials program satisfactory for all applicable indicators.

The NRC staff should also comply with the principles articulated in the NRC's Tribal Policy Statement and other relevant guidance documents to promote effective government interactions during the application process. Section IV.E. discusses the Tribal Liaison (TL), Regional State Liaison Officer (RSLO) and the

Agreement State staff roles and responsibilities for interacting with tribal entities during the Agreement State application process. Section V. provides additional guidance on these interactions.

IV. ROLES AND RESPONSIBILITIES

- A. The Director, Office of Nuclear Material Safety and Safeguards (NMSS), is responsible for the agency's review of a request from a State for an Agreement. The Director determines when the request satisfies the criteria policy statement and recommends Commission approval of the request.
- B. The Director of the Division of Materials Safety, Security, State and Tribal Programs (MSST) is responsible for providing staffing and monitoring the review process for the State's Agreement request. The MSST Director approves correspondence and requests to the NRC Offices, the State, and Tribal governments.
- C. The Branch Chief of the State Agreement and Liaison Programs Branch (SALPB) assigns a Project Manager (PM) for the review of the Agreement request. The PM is the primary NRC staff contact for the State during the review. The PM is the review team leader and should be knowledgeable of, and have substantial experience with, the IMPEP review process.
- D. The review team is responsible for conducting the staff evaluation of the request in accordance with this procedure. A team normally consists of the PM, the assigned staff contacts from other NRC offices including the Office of the General Counsel (OGC), Office of Nuclear Security and Incident Response, and the affected Region. Other NRC offices should be represented if necessary. Other NMSS staff may also be represented, such as NMSS staff from decommissioning or uranium recovery activities. The principal reviewers for licensing, inspection, staffing, and incidents and allegations should meet the IMPEP qualification requirements.
- E. The Regional State Agreements Officer (RSAO) is usually the lead NRC contact for a State before it submits a Letter of Intent. After the State submits a Letter of Intent, the PM assumes lead responsibility. However, the RSAO continues to coordinate contacts between the State and the Region licensing and inspection staffs. The RSAO should keep the PM informed of these contacts.
- E. The NRC's TLs and RSLOs are usually the lead NRC point of contact with tribal governmental entities. For tribal interactions related to the Agreement application process, the PM will work the TL as described in Appendix E.
- F. The Region and NMSS are responsible for transferring the NRC license files to the State (NRC MD 3.53, *NRC Records Management Program*). The PM should be kept informed of these activities.

V. GUIDANCE

For detailed guidance on reviewing the request, including scheduling and documentation requirements, see the *Handbook for Processing an Agreement* (Handbook). Appendix D to the Handbook contains examples of letters and documents from the work on recent Agreement request reviews. Below is an outline of each step in the process with a brief description. Cross-references to the Handbook and/or to Appendix D for examples are included in brackets.

A. Governor's Letter of Intent [Handbook, Section 3.3 and Appendix D, ItemA]

The Governor should send a letter to the Chairman declaring the State's intent to seek an Agreement. The letter should include a commitment of State resources to seeking an Agreement. Based on this commitment, NRC plans for the review and commits its resources to working with the State on completion of an Agreement.

B. Meeting with State after Receipt of Letter of Intent

Upon receipt of the Governor's Letter of Intent, the NRC PM should schedule an initial meeting with the State, the Branch Chief of SALPB, and the RSAO. The purpose of this meeting is to discuss in more detail the process for becoming an Agreement State, including legislation, regulations, procedures, and the information to include in the request. Staff should also discuss the time period involved in becoming an Agreement State.

C. Initiating Outreach to Tribal Governmental Entities

Upon receipt of the Governor's Letter of Intent, the NRC PM should schedule a meeting with the TLs to identify tribal governmental entities that may be interested in the State's application. Further information on conducting tribal outreach and consultation during the application process is discussed in Appendix E of the Handbook.

D. Preparing a Request for an Agreement

When preparing a request for an Agreement, the State should consider the guidance in this procedure and the Handbook. The Agreement materials program description should address the program elements listed in Section 4.0 of the Handbook. For each program element, the State should provide information for each category of materials requested in the Agreement.

The State can also discuss the proposed Agreement materials program with other Agreement States for suggestions and recommendations. The State may find it helpful to use other Agreement materials programs' procedures as a template for establishing its own procedures.

E. Draft Request for an Agreement [Handbook, Section 3.4]

1. The State Radiation Control Program Director, or equivalent Governor appointed representative, (hereafter referred to as the Program Director) should submit a draft of the State's request for an Agreement. The draft request should contain a draft letter of certification, and a description of the Agreement materials program for all applicable elements of the Agreement materials program. It should also contain the draft text for the proposed Agreement (see NRC MD 5.8, *Proposed Section 274b Agreements with States*).
 2. The Program Director should notify the PM or the Branch Chief of the SALPB at least 2 months before submitting the draft. The Director of MSST should then ask the Offices (discussed in Section IV.C of this procedure) to assign staff level contacts for the review team and TL.
 3. The team reviews the draft request for completeness. The description of the Agreement materials program should address all applicable program elements. The draft request should also contain sufficient information to permit staff to conduct a detailed review of the application. The draft and formal requests should be submitted to the NRC electronically. The State should not submit any information that is not publicly available unless coordinated with the PM.
 4. The team prepares a letter to the Program Director to document the results of the completeness review [Handbook, Appendix D, Item C]. The Director of MSST signs the letter following Office concurrence.
 5. The PM, RSAO, Branch Chief of SALPB, and the Program Director, as well as any designated State contact, should schedule regular telephone conference calls on the progress of the review [Handbook, Section 3.4.4]. Review team members and other NRC staff may participate. Meetings should supplement the calls as needed.
 6. The State should address the agency's comments by making changes in the formal request [Handbook, Section 3.5]. The Program Director should not submit a second draft, or changes to the draft, unless coordinated with the Branch Chief of the SALPB. When the changes to the formal request are completed, the Governor should sign and submit the formal request to the Chairman.
- F. Formal Request for an Agreement [Handbook, Section 3.5]
1. The Program Director should notify the PM 2 weeks before the Governor submits the formal request. The PM prepares a letter for signature by the Chairman acknowledging receipt of the request [Handbook, Appendix D, Item E].
 2. The review team conducts a detailed evaluation of the formal request following the procedures and criteria in Section 4.0 of the Handbook. If the State did not submit a draft request, assemble a review team to conduct a detailed review of the request.

3. If the team identifies deficiencies in the formal request, it prepares a letter to the Program Director providing comments. Following concurrence by applicable NRC offices, the Director of NMSS signs the letter.
 4. The State should address the comments by making revisions to the formal request and send the revisions to the Secretary of the Commission, with a copy to the Director of MSST.
- G. Work Completed by the Review Team with the Review of the Formal Request
1. The team prepares a draft staff assessment addressing individually each criterion in the criteria policy statement [Handbook, Appendix D, Item F].
 2. The team prepares an FRN that announces the proposed Agreement and briefly describes the State's Agreement materials program. Include a summary of the draft staff assessment in the FRN. The FRN should also discuss any unique features of the proposed Agreement. Include the text of the proposed Agreement, with a proposed effective date. The Director of NMSS usually signs the FRN [Handbook, Appendix D, Item H].
 3. When the formal request satisfies the criteria policy statement, the team prepares a Commission paper [Handbook, Appendix D, Item G]. The paper should request approval from the Commission to forward the FRN and proposed Agreement for publication.
 - a. The paper should include, as enclosures, the following:
 - i. Draft staff assessment
 - ii. Proposed FRN (including the summary of the draft staff assessment and proposed Agreement)
 - b. The paper should also include, as background, the following:
 - i. Draft Congressional letters and letters to the Federal agencies [Items F.2. and 3. below]
 - ii. Draft press release [Item G.2. below]
 - iii. Project Schedule for processing, signing, and implementing the Agreement [Handbook, Appendix C]
 4. The PM prepares a memorandum from the MSST Director transmitting the paper to the other Offices for concurrence. Following Office concurrence, the Director of NMSS forwards the paper to the Office of the Executive Director for Operations (EDO) for signature and transmittal to the Commission.
- H. Commission approval of publication of the proposed Agreement

After the Commission approves the staff recommendations, the Office of the Secretary (SECY) will issue a Staff Requirements Memorandum (SRM). With the Commission's approval to publish the proposed Agreement, staff takes several actions:

1. The Director of MSST signs the FRN with all the Commission's changes identified in the SRM.
 2. Staff forwards the FRN to the Office of Administration for publication.
 3. Staff prepares letters to the NRC Congressional Oversight Committees (Committees), the U.S. Senators and the U.S. Representatives for the affected State/Commonwealth, providing these individuals with a prepublication copy of the FRN. Staff should work with the Office of Congressional Affairs (OCA) to obtain a current list of the NRC Congressional Oversight Committees and the current Chair and Co-Chair. Staff will also get the list of U.S. Senators and U.S. Representatives from OCA. OCA sends the letters to these Committees [Handbook, Appendix D, Item J].
 4. Staff sends a letter to the following Federal agencies informing them of the proposed Agreement, including a prepublication copy of the FRN [Handbook, Appendix D, Item K]:
 - a. Deputy Assistant Secretary of Labor, Occupational Safety and Health Administration;
 - b. Assistant Secretary, Congressional and Intergovernmental Affairs, U.S. Department of Energy;
 - c. Chairperson of Council on Environmental Quality;
 - d. Director, Center for Devices and Radiological Health, Food and Drug Administration;
 - e. Assistant Administrator for Air and Radiation, U.S. Environmental Protection Agency; and
 - f. Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security.
 5. Staff sends a letter and email to the interested tribal governmental entities informing them of the proposed Agreement and informing them of the upcoming public comment period [Handbook, Appendix E].
- I. Publication of the Proposed Agreement
1. Upon publication of the FRN, the PM issues a State and Tribal Communication (STC) letter to Agreement States, non-Agreement States, and State Liaison Officers, including a copy of the FRN, informing them of the proposed Agreement [Handbook, Appendix D, Item L].
 2. Upon publication of the FRN, the staff sends a letter and email to the interested tribal governmental entities informing them of the proposed Agreement and public comment period [Handbook, Appendix E].

3. The PM informs the Office of Public Affairs (OPA) of the publication so OPA can issue a press release. The PM should work with OPA several weeks in advance of the expected publication of the FRN to develop the pressrelease [Handbook, Appendix D, Item I].

J. End of the public comment period

1. When the public comment period closes, the PM is responsible for preparing an analysis of the comments, working with the review team [Handbook, Appendix D, Item M]. The PM and review team should thoroughly evaluate the comments for any implication of legal action and highlight such possibilities to OGC for its review of the comments and commentresponses.
2. The PM and review team prepares the final staff assessment, considering the public comments [Handbook, Appendix D, Item N].
3. The PM prepares a second Commission paper requesting Commission approval of the proposed Agreement [Handbook, Appendix D, Item O]. The Commission paper is transmitted to other NRC offices for review and concurrence.
4. Enclosures to the paper are:
 - a. Final text of the proposed Agreement [Handbook, Appendix D, Item U]
 - i. The NRC and the State agree on the effective date for the Agreement. The PM inserts the date into the Agreement text.
 - ii. A draft FRN announcing the approval and signing of the Agreement [Handbook, Appendix D, Item P]
 - b. The final staff assessment [Handbook, Appendix D, Item N]
 - c. The staff's analysis of the public comments [Handbook, Appendix D, Item M]
 - d. Draft letter from the Chairman to the Governor approving the Agreement [Handbook, Appendix D, Item S]
5. The paper contains brief discussions of:
 - a. Staff's consideration, analysis, and resolution of public comments;
 - b. The staff's interactions with tribal governmental entities, staff's consideration of tribal input in the decision-making process, and staff's response to tribal comments [Handbook, Appendix E];
 - c. Outstanding orders, Confirmatory Action Letters, and 2.206 petitions against licensees that will transfer;

- d. Staff coordination to resolve incomplete escalated enforcement actions. The discussion should indicate that we informed the State if the NRC will retain jurisdiction for violations that occurred at a licensed facility while under NRC jurisdiction. OGC has ruled that the NRC has the authority under Section 234 of the AEA to issue a Notice of Violation and Civil Penalty Assessment to transferred licensees. However, the NRC does not have authority to require corrective actions after the Agreement is effective;
 - e. The status of any complex site or other sites in decommissioning. The discussion should indicate how the State was advised to notify the NRC when it terminates the license of a complex site. The notification from the State should indicate whether the site was released for unrestricted use as defined by the State. The decommissioning status of complex sites transferred to the State will be reviewed as part of IMPEP;
 - f. How information was provided to the State regarding previously licensed sites;
 - g. Allegations and investigations in progress; however, details should not be included; and
 - h. The NRC resources that staff anticipates devoting to facilities in the State once the Agreement is in effect.
6. The following documents are included as background to the paper:
- a. Proposed letters to NRC's Congressional Oversight Committees and the State's Congressional delegation announcing the approval and signing of the Agreement [Handbook, Appendix D, Item R].
 - b. A draft press release announcing the Agreement [Handbook, Appendix D, Item Q].
 - c. A completed copy of the General Accounting Office form, GAO-001, "Submission of Federal rules under the Congressional Review Act," providing the notifications required under the Congressional Review Act Small Business Regulatory Enforcement and Fairness Act of 1996 (Formerly Small Business Regulatory Enforcement Fairness Act). Form GAO-001 is available on the NRC website's forms library.
 - i. Three forms are completed: (1) President of the Senate, (2) Speaker of the House of Representatives, and (3) General Accounting Office
 - ii. The Agreement is considered a "non-major rule" and "routine and frequent of informational/administrative/other"
 - iii. The form is included as background to the Commission paper and submitted to the OCA for distribution once the Agreement is approved. Include a copy of the draft FRN with each form. It is not made publicly available in the Agencywide Documents Access and Management System

- K. Commission approval of the Agreement
1. When the Commission approves the Agreement, the PM prepares three official copies of the Agreement for signature, inserting the date of Commission approval, i.e., the date of the SRM, into the Agreement.
 2. The Governor has the choice of signing the Agreement at a formal ceremony or signing by correspondence. The PM consults with the Program Director to determine the Governor's choice. The PM also determines the format of the Governor's signature block and whether the State wishes to add a State seal.
 - a. If the Chairman and Governor will hold a formal signing ceremony, the PM should arrange the date, time, and place of the ceremony. The PM coordinates with the State staff and, through the EDO, with the Chairman's office.
 - b. If the Agreement is to be signed by correspondence, the location at which the Chairman signs is Rockville, Maryland. The location at which the Governor signs is the State capitol, unless the State specifies another location.
 - c. If the Agreement is to be signed by correspondence, the PM asks the Program Director to provide instructions for delivery of the Agreement to the Governor.
 3. The Division Director of MSST forwards the Congressional letters and three copies of the Congressional Review Act form to OCA.
- L. Signing of the Agreement
1. If the Chairman and Governor will sign the Agreement at a formal ceremony:
 - a. The PM places three copies of the Agreement into individual binders.
 - b. The PM coordinates with SECY to place the NRC seal on each copy before the ceremony.
 - c. After signing, the Governor receives one copy of the Agreement. The PM takes the other two.
 - i. One copy of the Agreement remains with SECY
 - ii. The remaining copy of the Agreement remains with NMSS
 - d. The State should receive the letter from the Chairman to the Governor approving the Agreement [Handbook, Appendix D, Item S].
 2. If the Agreement is signed by correspondence:
 - a. The PM coordinates with SECY to place the NRC seal on each copy of the Agreement.

- b. The PM coordinates with EDO and the Chairman's office to arrange for the Chairman to sign all three copies of the Agreement.
 - c. The PM sends all three copies of the Agreement to the State according to the State instructions. Include the original letter from the Chairman to the Governor approving the Agreement [Handbook, Appendix D, Item S]. After the Governor signs the Agreement, the State retains one copy and returns the other two copies to the Director of NMSS.
3. The PM delivers one copy of the signed Agreement to SECY. NMSS retains the other copy.

M. Implementation of the Agreement

1. The Division Director of MSST forwards the FRN, as approved in the SRM, for signature by SECY. Section 274e.(2) of the AEA requires publication of the FRN within 30 days after the Agreement is signed.
2. The Region and NMSS coordinates with the State on transferring license files to the State. The RSAO should advise the PM of the plans for, and the progress of, the transfer. The reference below should be followed in transferring the license files:
 - a. NRC MD 3.53, "*NRC Records and Document Management Program*," Records Disposition Objectives and Procedures (c), paragraph 8.
3. The PM informs OPA of approval of the Agreement so that OPA can issue the press release announcing the approval of the Agreement. The PM should work with OPA several weeks in advance of the expected publication of the FRN to develop the press release.
4. Staff prepares letters to the NRC Congressional Oversight Committees (Committees), and to the U.S. Senators and the U.S. Representatives for the affected State/Commonwealth, providing these individuals with a prepublication copy of the FRN. Staff should work with OCA to obtain a current list of the NRC Congressional Oversight Committees and the current Chairs and Co-Chairs. Staff will also get the list of U.S. Senators and U.S. Representatives from OCA. OCA sends the letters to these Committees [Handbook, Appendix D, Item R].
5. Staff sends a letter to the following Federal agencies informing them of the proposed Agreement, including a prepublication copy of the FRN [Handbook, Appendix D, Item T]:
 - a. Deputy Assistant Secretary of Labor, Occupational Safety and Health Administration;
 - b. Assistant Secretary, Congressional and Intergovernmental Affairs, U.S. Department of Energy;

- c. Chairperson of Council on Environmental Quality;
 - d. Director, Center for Devices and Radiological Health, Food and Drug Administration;
 - e. Assistant Administrator for Air and Radiation, U.S. Environmental Protection Agency; and
 - f. Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security.
6. The staff issues a STC letter to Agreement States, non-Agreement States, and State Liaison Officers, including a copy of the FRN, informing them of the Agreement [Handbook, Appendix D, Item V].
 7. The staff issues an individual letter to tribal governmental entities that were contacted, consulted, or commented on the proposed agreement during the application process. The letter should inform them of the Agreement, describe how the agency considered their input during the decision-making process, and include a response to tribal comments. [Handbook, Appendix E]
- N. After the Agreement is Effective
1. Approximately 9 months after the Agreement becomes effective, a meeting is set up with the State Agreement materials program management. This meeting is to discuss the State's implementation of the Agreement materials program (State Agreement Procedure SA-116, *Periodic Meetings between IMPEP Reviews*).
 2. Approximately 18 months after the Agreement becomes effective, the first IMPEP review is conducted (NRC MD 5.6).
 - a. The first IMPEP review evaluates the initial performance of the State program.
 - b. Normally, the first review is not scheduled for earlier than approximately 18 months after the Agreement becomes effective. If scheduled earlier, the State may not have completed enough regulatory actions to support an IMPEP finding.

VI. APPENDIX

Handbook for Processing an Agreement

VII. REFERENCES

- A. Sections 11 and 274 of the Atomic Energy Act of 1954, as amended
- B. Commission policy statement, *Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement*, (46 FR 7540; January 23, 1981), as amended on July 16,

1981 (46 FR 36969), and July 21, 1983 (48 FR 33376)

- C. Commission policy statement, *Tribal Policy Statement*, (82 FR 2402; Jan. 9, 2017) (<https://www.federalregister.gov/documents/2017/01/09/2017-00091/tribal-policy-statement>)
- D. Management Directive 3.53, *NRC Records Management Program*, March 15, 2007
- E. Management Directive 5.1, *Consultation and Coordination with Governments and Indian Tribes*, July 6, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML112351312)
- F. Management Directive 5.6, *Integrated Materials Performance Evaluation Program (IMPEP)*, July 24, 2019 (ADAMS Accession No. ML19213A024)
- G. Management Directive 5.8, *Proposed 274b Agreements with States*, June 25, 2013 (ADAMS Accession No. ML18073A150)
- H. Tribal Procedure *TR-100, Tribal Liaison Roles and Responsibilities* (Dec. 19, 2018) (<https://scp.nrc.gov/procedures/tr100.pdf>)
- I. *Tribal Protocol Manual Guidance for NRC Staff* (2018)(NUREG-2173, Revision 1) (ADAMS Accession No. ML18214A663)

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 | 07/19/2007 | State Procedure, <i>Processing an Agreement – SA-700</i> | ML072160020 |
| 2 | 07/19/2007 | FSME SA-700 Procedure, Redline/Strikeout Copy | ML072210542 |
| 3 | 07/19/2007 | FSME SA-700 Handbook, Redline/Strikeout Copy | ML072210549 |
| 4 | 07/19/2007 | FSME SA-700 Handbook, Appendix C, Redline/Strikeout Copy | ML072210655 |
| 5 | 08/22/2006 | STP-06-073, Opportunity to Comment on Draft Revision to STP Procedure SA-700, <i>Processing an Agreement</i> | ML062290300 |
| 6 | 01/30/2007 | FSME SA-700 Procedure – Resolution of Comments | ML072210663 |
| 7 | 02/14/2014 | FSME-14-016, Opportunity to Comment on Draft Revision to SA-700 | ML14035A324 |
| 8 | XX/XX/2021 | STC-21-XXX, Opportunity to Comment on Draft Revision to SA-700 | MLXXXXXXXXXX |